

STATE OF DELAWARE



EXECUTIVE DEPARTMENT  
DOVER

**EXECUTIVE ORDER  
NUMBER FORTY-NINE**

**TO: HEADS OF ALL STATE DEPARTMENTS AND AGENCIES**  
**RE: ENHANCING ECONOMIC OPPORTUNITIES FOR DELAWARE'S DIVERSE  
BUSINESS COMMUNITY AND CONTINUING OUR COMMITMENT TO  
SUPPLIER DIVERSITY INITIATIVES**

**WHEREAS**, the State recognizes the importance of an inclusive business environment that includes the creation and expansion of diverse business enterprises; and

**WHEREAS**, a diverse business community that participates fully and prospers in a competitive marketplace for the procurement of goods and services strengthens the economy and social fabric of the State; and

**WHEREAS**, through its Supplier Diversity initiatives, the State has shown its commitment to maximizing the participation of diverse businesses and businesses of a unique size to participate in state contractual work and has made great advances to provide a more equitable and inclusive process; and

**WHEREAS**, the State has created and will continue to create initiatives to promote economic development and encourage procurement participation by diverse businesses and businesses of a unique size; and

**WHEREAS**, as part of the State's commitment to ensure an equitable and diverse business community, it created within the Government Support Services of the Delaware Office of Management and Budget, then transferred to the Department of State's Division of Small Business, the Office of Supplier Diversity ("OSD") whose mission is to enhance economic opportunities for the diverse business community of minority, women, veteran, service-disabled veteran, and individuals with disabilities owned businesses as well as small businesses of a unique size and assist them in competing for the provision of commodities, services, and construction to State departments, agencies, authorities, school districts, higher education institutions and all businesses; and

**WHEREAS**, the Director of OSD furthers the objectives of the State's commitment to an equitable and diverse business community by, among other things, providing strategic advice to the Director of the Division of Small Business and the Governor pertaining to supplier diversity; monitors and evaluates the Executive Branch's Supplier Diversity Action Plan implemented by each agency; certifies and maintains a directory of diverse businesses and small business enterprises; and educates and advocates for diverse businesses how to conduct business within the State, including their eligibility in the State's Small Business Focus Program; and

**WHEREAS**, programs aimed towards encouraging and enhancing opportunities for diverse businesses and businesses of a unique size continue to be of importance to the State.

**NOW THEREFORE, I, JOHN C. CARNEY**, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby **DECLARE** and **ORDER** the following:

1. Definitions. As used in this Executive Order:
  - a. "Diverse business enterprise" means a for-profit business which is at least fifty-one percent owned and at least fifty-one percent controlled by a minority, woman, veteran (including those who have served in the United States military and have been honorably discharged and those who served or continue to serve in the National Guard), service-disabled veteran, or Individual with a Disability as certified by the Office of Supplier Diversity ("OSD") in the Department of State's Division of Small Business or the Disadvantaged Business Enterprise ("DBE") Program in the Delaware Department of Transportation.
  - b. "Small business enterprise" means business enterprises that meet the eligibility requirements of the Small Business Focus certification process as set forth by OSD.
2. The Governor's Supplier Diversity Council ("Council") is hereby reconstituted. The Council shall consist of twelve members, four of whom will serve by virtue of their position, and eight of whom shall be appointed by the Governor as follows:
  - a. One representative of a local, private, or federal minority and/or women business assistance program or community development program.
  - b. One representative of a minority business enterprise.
  - c. One representative of a women-owned business enterprise.
  - d. One representative of a Delaware small business enterprise.
  - e. One representative from a private sector company located in the State of Delaware that administers a supplier diversity program.
  - f. One representative of a veteran-owned or service-disabled veteran business enterprise.
  - g. One representative of a business owned by an individual with a disability or person with a disability who is a member of an organization that advocates for persons with disabilities.
  - h. One representative of a Delaware institution of higher education.
  - i. The Director of Government Support Services ("GSS").
  - j. The Director of the Division of Small Business.
  - k. The Director of Statewide Equity Initiatives within the Office of the Governor who shall serve as Chair.

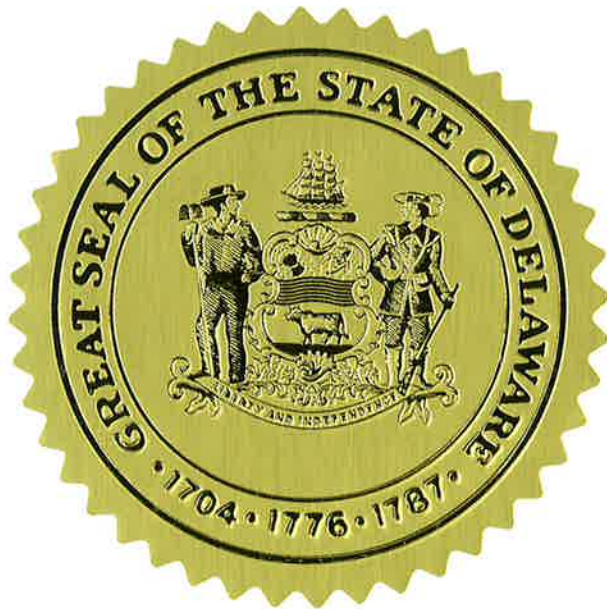
1. The Director of the Office of Supplier Diversity within the Division of Small Business shall be an ex-officio non-voting member and will not be counted in the quorum requirements for the Council.
3. Members serving by virtue of position may appoint a designee from within their office to serve in their stead and at their pleasure.
4. Governor appointed members shall be appointed for a term of up to three years to ensure that no more than three terms expire in a year.
5. The Council shall adopt internal procedures or bylaws necessary for efficient operations.
6. The Council shall:
  - a. Develop and implement a Small Business Focus Program (“Program”) for small business enterprises. The goals of the Program are to increase opportunity for small businesses to participate in state procurement by:
    1. Creating a Small Business Focus Program Registry.
    2. Evaluating spending on current and future procurement with the small business enterprises for the Program.
    3. Reviewing agency Supplier Diversity Plans to assist State Agencies with access to the Program Registry when making under threshold procurements.
    4. Providing advice and recommendations to the Governor concerning supplier diversity strategies.
  - b. Advocate for the State of Delaware’s supplier diversity initiatives.
  - c. Identify training opportunities and offer information on the tools necessary for successfully doing business with the State of Delaware as a Diverse business, and the businesses eligible for the Program.
  - d. Maximize supplier diversity among the State agencies, and help increase contracting opportunities for Diverse businesses, and the businesses eligible for the Program.
  - e. Identify economic opportunities beyond state contracting and share best practices and strategies that will leverage the state’s business initiatives.
  - f. Develop criteria for evaluation of supplier diversity initiatives pursuant to this Executive Order.
  - g. Propose legislative initiatives to the Office of the Governor.
  - h. Identify potential impediments, if any, concerning supplier diversity within State government, and develop strategies to eliminate these impediments, including the

elimination of impediments that limit all supplier diversity businesses from participating in contracting opportunities.

- i. Conduct studies of any disparities involving diverse business enterprises in state procurement practices.
  - j. Advise on potential financing support strategies for Diverse businesses and businesses eligible for the Program, and other services they may need to enable them to grow.
  - k. Review and issue determination on protests/appeals according to the OSD denial and protest policy.
  - l. Prepare an annual report to the Governor to be filed annually no later than December 30th of each calendar year.
7. The Governor's Supplier Diversity Council shall adopt and operate in accordance with bylaws. These bylaws may be amended, supplemented, or repealed as needed by the Council.
  8. Executive Branch Agencies will provide leadership and support to OSD and the Council to ensure that all minority and/or women business enterprises, veteran-owned businesses, businesses owned by service-disabled veterans, businesses owned by Individuals with Disabilities, and small businesses meeting the eligibility requirements of the Program are afforded full, equitable and fair opportunities to compete for State purchasing dollars.
  9. Executive Branch Agencies shall designate, within thirty (30) days of the issuance of this Order, a Supplier Diversity Liaison (SDL), who shall have direct access to his or her Secretary, department head, or similar cabinet-level official concerning Diverse business enterprise, and the businesses eligible for the Program. The SDL shall:
    - a. Assist the Director of the OSD and the Council 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 Plan, as identified in section 10 of this Executive Order.
    - d. Incorporate the entire supplier diversity community of businesses into the agency Supplier Diversity Plans.
    - e. Prepare reports for the OSD and the Council when necessary.
    - f. Undertake such additional tasks relating to this Executive Order as directed by the OSD, which may include periodic meetings at the discretion of the OSD.
  10. Each Executive Branch Agency shall develop a Supplier Diversity Plan, which outlines best practices and objectives for agency-specific interests. Agencies' completed plans shall

be submitted to OSD for review and approval no later than September 30th of each calendar year. Agencies' approved supplier diversity plans shall be filed annually with the Governor no later than December 30th of each calendar year.

11. In an effort to further increase transparency in State procurement practices, the Director of the Office of Management and Budget ("OMB") 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 Diverse business enterprises, and the businesses eligible for the Program.
12. OMB/GSS shall provide quarterly reports to the Director of OSD regarding the State of Delaware's progress in enhancing opportunities for diverse business enterprises and businesses of a unique size, and provide administrative support, if needed. The reports shall delineate the State of Delaware's procurement spending by classifications as requested by the Director of OSD. These directives do not limit an agency's objectives and are designed to promote economic growth and eliminate any potential impediments to an equitable procurement process.
13. Each Executive Branch Agency shall evaluate the performance of its agency in implementing these directives and report on its efforts to OSD at least annually. The OSD shall provide an annual report regarding the State of Delaware's progress in enhancing opportunities for diverse businesses and businesses eligible for the Program. The report shall be included in the Division of Small Business's annual report.
14. Executive Order No. Forty-Four (44) dated March 29, 2014, and signed by Governor Jack Markell, is hereby rescinded.
15. 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 16<sup>th</sup> day of June, 2021.

John C. Carney  
Governor

ATTEST:  
[Signature]  
Secretary of State