

STATE OF DELAWARE



EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER NUMBER TWENTY-THREE

RE: ESTABLISHING THE GOVERNOR'S PUBLIC WORKS AND PROCUREMENT OPPORTUNITY COUNCIL AND SETTING STANDARDS FOR CONTRACTING BY STATE AGENCIES

WHEREAS, by Executive Order No. 71, dated December 7, 1999, former Governor Carper established the Governor's Building and Trades Council;

WHEREAS, by Executive Order No. 78, dated March 17, 2000, former Governor Carper established certain goals for state agencies with respect to awarding public works contracts and changed the membership of the Governor's Building and Trades Council;

WHEREAS, since its formation, the Governor's Building and Trades Council has advised the Governor on a variety of public works and procurement issues, including but not limited to public works contracts in the building and construction industry;

WHEREAS, since the entry of Executive Order No. 78, the State has commissioned and received a disparity study prepared by MGT of America, Inc., dated June 26, 2001 (the "Disparity Study");

WHEREAS, the Disparity Study was limited in scope to assess only potential disparity in the utilization of minority-owned and women-owned firms with respect to certain large public works contracts in the areas of bridge and road construction, and building construction;

WHEREAS, the Disparity Study provides evidence that there are perceived barriers for minority-owned and women-owned businesses to avail themselves of opportunities to contract with the State with respect to the public works projects and the types of contracts reviewed, and that there may be underutilization of minority-owned and women-owned firms for certain public works contracts with the State;

WHEREAS, the State remains committed to providing equal employment opportunities to all Delawareans, and to fostering the creation, growth and success of women and minority construction firms and professional service firms related to the construction industry;

WHEREAS, the State is also committed to eliminating all discrimination in all areas of State procurement, in accordance with applicable federal and State law, and is further committed to ensuring that qualified, available minority-owned and women-owned businesses have a full and fair opportunity to contract with the State, both directly and as subcontractors, for public works contracts, supply contracts, and professional and other services contracts;

WHEREAS, the coordinated efforts of the public and private sectors are necessary to significantly increase the participation of women and minorities in all aspects of State contracting and procurement; and

WHEREAS, the State must maintain a practical and efficient outreach program that promotes sound recruitment, education and business support practices;

NOW, THEREFORE, I, Ruth Ann Minner, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby order and declare the following:

1. The Governor's Building and Trades Council is abolished, and is hereby replaced with the Governor's Public Works and Procurement Opportunity Council (the "Council").
2. The charge of the Council shall be (a) to work in conjunction with the State of Delaware to maximize participation by qualified minority-owned and women-owned businesses in public works projects and other areas of procurement funded wholly or partially by the State, and (b) to develop a statewide recruitment and business support strategy to ensure that public and private initiatives are coordinated and focused so as to provide the support and assistance required to significantly increase the participation of women and minorities in all areas of State contracting and procurement. For purposes of this Order, "public works projects" shall include contracts for construction, reconstruction, demolition, alteration and repair work and maintenance work paid for, in whole or in part, with public funds.
3. The Council shall be composed of the following:
 - (i) A Chairperson, to be selected by the Governor;
 - (ii) Director of the Delaware Economic Development Office;
 - (iii) Secretary of the Department of Labor;
 - (iv) Secretary of the Department of Administrative Services;
 - (v) Secretary of the Department of Transportation;

- (vi) A representative of the Office of the Mayor of the City of Wilmington;
- (vii) A representative of the Latin American Community Center;
- (viii) A representative of the Delaware Commission for Women;
- (ix) A representative of the State of Delaware branch of the National Association for the Advancement of Colored People ("NAACP");
- (x) A representative of the Metropolitan Wilmington Urban League;
- (xi) A representative of the Interdenominational Ministries Action Council of Delaware, Inc.;
- (xii) A representative of the Delaware Contractors' Association;
- (xiii) A representative of the Associated Builders and Contractors;
- (xiv) A representative of the Delaware Building and Trades Council;
- (xv) A representative of the Delaware Construction Council;
- (xvi) A representative of the YWCA Department for Economic Advancement;
- (xvii) A representative of the Minority Business Association;
- (xviii) A representative of the Korean American Merchants' Association;
- (xix) A representative of the National Association of Women in Construction;
- (xx) A representative of the African American Chamber of Commerce of Pennsylvania, New Jersey and Delaware, who is also a resident of the State of Delaware;
- (xxi) A representative of the Delaware Small Business Development Center; and
- (xxii) One At-Large member to be selected by the Governor.

4. The Department of Administrative Services shall:

- (i) Supply staff support to the Council;
- (ii) Communicate and coordinate the implementation of the Council's recommendations across State agencies; and,
- (iii) Coordinate the activities of State agencies with the private sector.

5. Every State agency having authority over contracting on behalf of the State shall strive, through its outreach efforts and coordination with the Council, the Department of Administrative Services, and the private sector, to maximize the number of minorities and women as a component of the total workforce during the course of a public works project.

6. Every State agency having authority over contracting on behalf of the State shall actively pursue contracting opportunities among qualified minority-owned and women-owned businesses.

7. Every State agency with authority over State contracting shall provide information to the Department of Administrative Services concerning bids and/or inquiries by minority-owned and/or women-owned firms interested in contracting with the State to engage in public works activities, or to provide

goods, or professional or non-professional services to the State, so that the Department of Administrative Services can maintain an active data-base of such information.

8. Documented efforts should be made to increase the participation of qualified minority-owned and women-owned businesses in public works contracting with the State, and to increase the number of qualified minority-owned and women-owned firms that supply goods, professional services, and non-professional services to the State.
9. The Department of Administrative Services shall collect data concerning the compliance with this Order by affected State agencies, and shall submit reports to the Council and the Governor's Office documenting the efforts of State agencies to meet the goals of this order during the prior six months, on January 31 and July 31 of each year.
10. Executive Order No. 71 and Executive Order No. 78 are rescinded in their entirety.



Approved this 10th day
of DECEMBER, 2001.


Governor

Attest:


Secretary of State