

STATE OF DELAWARE



**EXECUTIVE DEPARTMENT
DOVER**

**EXECUTIVE ORDER
NUMBER FIFTY-TWO**

**RE: EXPANDING BIDDING COMPETITION FOR STATE-FUNDED
PURCHASES**

WHEREAS, the State of Delaware should make the maximum effort to ensure that opportunities to do business with the state are widely publicized; and

WHEREAS, broad knowledge of state contracting opportunities increases competition for state business, which benefits taxpayers; and

WHEREAS, broad knowledge of state contracting opportunities also provides newer and smaller businesses, including those owned and operated by women and minorities, an opportunity to compete with larger, more established businesses on a level playing field; and

WHEREAS, advances in technology have allowed private vendors, such as DelEXCHANGE, Women's Business Enterprise National Council, and National Minority Supplier Development Council of PA-NJ-DE, to make available to the state, at no cost, the opportunity to increase the audience that receives notice of state contracting opportunities;

I, RUTH ANN MINNER, HEREBY ORDER ON THIS 18th DAY OF

DECEMBER, 2003:

1. Each state agency making a purchase of material, non-professional services, professional services or a combination thereof which it anticipates will exceed \$10,000 and which is not available on a state central contract pursuant to 29 Delaware Code §§6910-6915 shall prepare formal notice of that intended purchase and provide it to the Secretary of Administrative Services (the "Secretary"), who shall forward that notice to each databank that he or she has approved pursuant to paragraph 6 of this Order. The notice shall be transmitted via e-mail to the Secretary or the Secretary's designee, and shall provide specific information regarding the items or services that the agency intends to purchase. This paragraph shall not apply to emergencies, as described in 29 Delaware Code §6907 or to exceptions, as defined in 29 Delaware Code §6904 subsections (b), (f), (g), (h), (i), (j), (k) and (l).
2. In addition to paragraph 1 above, each state agency making a purchase of material, non-professional services, professional services or a combination thereof in excess of \$10,000 but below the threshold amount set for the formal bid process pursuant to 29 Delaware Code §6913(d)(4) and which is not available on a state central contract pursuant to 29 Delaware Code §§6910-6915 shall consult any databank approved by the Secretary for potential providers of such material and services prior to making any purchase. This paragraph shall not apply to emergencies, as described in 29 Delaware Code §6907 or to exceptions, as defined in 29 Delaware Code §6904 subsections (b), (f), (g), (h), (i), (j), (k) and (l).
3. Each state agency shall review any databank approved by the Secretary at least three times per year for the purpose of determining whether any vendors listed on such databank should be added to the agency's lists of prospective vendors or bidders with respect to public works, material, professional services and non-professional service contracts.
4. Paragraphs 1 through 3 of this Order shall not apply to purchases from state central contracts made pursuant to 29 Delaware Code §§6910-6915. However, paragraphs 1 through 3 of this Order shall apply to the creation of state central contracts by the Department of Administrative Services.
5. The Secretary shall develop measures to ensure compliance with paragraphs 1 through 4 of this Order, and shall report to the Governor by January 31 of each calendar year on each state agency's compliance with this Order.

6. The Secretary shall approve each databank for purposes of this Order which demonstrates
 - (a) that it contains a substantial number of names, addresses and other contact information of small businesses or women and minority owned businesses located in Delaware;
 - (b) that a substantial number of the businesses in the databank are not currently on the lists of prospective vendors for existing state agencies;
 - (c) that the databank is in a form whereby it can be easily accessed and used by state agencies through existing state computer resources; and
 - (d) that the description of services provided by businesses on the databank is adequate for state agencies to determine whether those businesses should be contacted regarding the opportunity to bid on state contracts.
7. The Secretary may withdraw approval of a databank if, in his or her exclusive judgment, the purposes of this Order are not being fulfilled by the databank.
8. This Order shall not affect any existing rule, order, or procedure properly issued by the Secretary, to the effect that such rule, order, or procedure is consistent with this Order. This Order shall be interpreted in a manner consistent with existing Delaware statute.
9. For purposes of this Order, "state agency" refers to Departments under the Governor's immediate supervision and Divisions and entities under the direct supervision of such Departments.




Governor

Attest:


Secretary of State