

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER 2004-6]

Minority and Women-Owned Business Opportunities

April 15, 2004

Whereas, the level of participation by minority and women-owned businesses in the Commonwealth's procurement of supplies, services, and construction has averaged only two percent of the total dollars spent by the Commonwealth; and

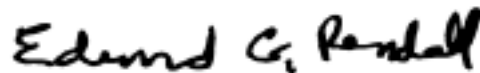
Whereas, Section 2101 of the Commonwealth Procurement Code, 62 Pa.C.S. § 2101, provides that it is the policy of this Commonwealth to assist small and disadvantaged businesses in learning how to do business with Commonwealth agencies; and

Whereas, the Constitution of the Commonwealth of Pennsylvania prohibits discrimination on the basis of race, color, or gender; and

Whereas, the Commonwealth must take steps not only to prevent discrimination against, but also to increase the Commonwealth contract participation rate by minority and women-owned businesses and other similarly disadvantaged businesses; and

Whereas, formulation of specific policy initiatives to implement these important goals are assigned to the Department of General Services as the agency responsible for the formulation of general procurement policy under Section 310 of the Commonwealth Procurement Code, 62 Pa.C.S. § 301.

Now, Therefore, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby designate the Department of General Services as the central agency to manage and develop the participation of minority and women-owned businesses and other disadvantaged businesses in Commonwealth contracts.



Governor

Fiscal Note: GOV 04-5. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter LL. MINORITY AND WOMEN BUSINESS ENTERPRISE

§ 1.451. Responsibilities of the Department of General Services.

The Department of General Services will do the following:

(1) Develop and implement policy initiatives to substantially increase contracting and subcontracting opportunities for minority and women-owned businesses and other disadvantaged businesses in the Commonwealth's procurement of supplies, services and construction.

(2) Centrally manage Commonwealth information, policies, procedures and issues pertaining to minority and women-owned businesses and other disadvantaged businesses.

(3) Expand the pool of certified minority and women-owned businesses by:

(i) Repealing the current 8-year graduation requirement for Commonwealth certified minority and women-owned businesses.

(ii) Periodically adjusting the business size limitation for Commonwealth certification.

(iii) Establishing reciprocal certification agreements with other governmental and nongovernmental organizations.

(iv) Establishing an expedited certification process for those minority and women-owned businesses certified by other certifying bodies.

(4) Enforce compliance with the minority and women-owned business program by both business and Commonwealth agencies.

(5) Make investigations and reports relating to the administration of the minority and women-owned business program and operations of an executive agency as they relate to the program.

(6) Request information or assistance as may be necessary, for carrying out the duties and responsibilities provided in this subchapter from any Federal, State or local government agency or unit thereof.

§ 1.452. Responsibilities of agency heads.

Agency heads under the Governor's jurisdiction will:

(1) Be responsible for ensuring that all competitive contract opportunities issued by their agency seek to maximize participation by minority and women-owned businesses and other disadvantaged businesses.

(2) Give consideration, when possible and cost effective, to contractors offering to utilize minority and women-owned businesses and disadvantaged businesses in the selection and award of contracts.

(3) Ensure that the agency's commitment to the minority and women-owned business program is clearly understood and appropriately implemented and enforced by all agency employees.

(4) Designate a responsible official to supervise the agency minority and women-owned business program and ensure compliance within the agency.

(5) Furnish the Department of General Services, upon request, all requested information or assistance.

(6) Recommend sanctions to the Secretary of General Services, as may be appropriate, against businesses that fail to comply with the policies of the Commonwealth minority and women-owned business program.

§ 1.453. Objective.

The Department of General Services (Department) will seek to increase the utilization of minority and women-owned businesses and other disadvantaged businesses in all competitive contracting opportunities. To achieve this objective, the Department will:

(1) Establish procurement policy that will give consideration, when possible and cost effective, to contractors offering to utilize minority and women-owned businesses and disadvantaged businesses in the selection and award of contracts.

(2) Develop and maintain an effective enterprise-wide data collection system in procurement and contracting, and institute quarterly and annual reporting requirements on participation level and spending in each agency.

(3) Create an internal data linkage so that agency buyers and purchasing agents will have a substantial number of commodity or service specific minority and women-owned businesses to solicit.

(4) Train procurement buyers and purchasing agents so they can assist in the Department's mission.

§ 1.454. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Disadvantaged business—A business that is owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias.

Minority-owned business—A business owned and controlled by a majority of persons who are African-Americans, Hispanic Americans, Native Americans, Asian-Americans, Alaskans and Pacific Islanders.

Women-owned business—A business owned and controlled by a majority of persons who are women.

§ 1.455. Rescission.

Executive Order 1996-8, Minority and Women Business Enterprise and Contract Compliance Programs, is rescinded.

[Pa.B. Doc. No. 04-894. Filed for public inspection May 21, 2004, 9:00 a.m.]

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