

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2011-10]

Veteran-Owned Small Business Procurement Initiative

December 7, 2011

Whereas, veterans have rendered and continue to render extraordinary service to the United States;

Whereas, more than three million men and women who have defended our nation's freedoms by serving in the United States Armed Forces have formed their own small businesses following their military service;

Whereas, the commonwealth wants to honor these courageous individuals for their service and to assist them by increasing opportunities for veteran-owned small businesses to participate in commonwealth agency contracts and subcontracts; and

Whereas, in order to achieve this objective, agencies and contractors shall take such action as is appropriate and necessary to inform small businesses owned by veterans, as well as veterans' organizations, of procurement opportunities and to solicit their participation as contractors, subcontractors, suppliers and professional service providers.

Now, Therefore, I, Tom Corbett, 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 develop policies and manage the participation of veteran-owned small business enterprises (VBEs) and service-disabled veteran-owned small business enterprises (SDVBEs) in commonwealth procurement opportunities.



Governor

Fiscal Note: 2011-10. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter XX. VETERAN-OWNED SMALL BUSINESS PROCUREMENT INITIATIVE

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§ 1.591. Purpose.

The purpose of this subchapter is to ensure that agencies substantially increase opportunities for VBEs and SDVBEs to participate in Commonwealth contracting opportunities as contractors, subcontractors, suppliers and professional service providers.

§ 1.592. Responsibilities.

(a) The Department of General Services (Department) shall:

(1) Develop and implement policy initiatives to substantially increase contracting and subcontracting opportunities for VBEs and SDVBEs.

(2) Establish a certification process for VBEs and SDVBEs and maintain and update publicly accessible lists of VBEs and SDVBEs that are certified by the Department.

(3) Identify and contact VBEs, SDVBEs and veteran organizations to inform them of Commonwealth procurement opportunities and to solicit their participation as contractors, subcontractors, suppliers and professional service providers.

(4) Identify and contact charitable, nonprofit organizations that manufacture products or perform services and employ veterans with disabilities to identify possible contracting opportunities under 62 Pa.C.S. § 520 (relating to supplies manufactured and services performed by persons with disabilities).

(5) Enforce compliance, from participating businesses and other Commonwealth agencies, with this subchapter.

(6) Compile agency-reported information on the participation of VBEs and SDVBEs in Commonwealth contracting opportunities and prepare a written annual report for the Governor. The report must include:

(i) Cumulative information as to agency efforts to increase VBE and SDVBE participation in Commonwealth contracts and subcontracts.

(ii) The actual dollar amount of participation.

(iii) The efforts the Department and the agencies plan to take to improve VBE and SDVBE participation in the succeeding year.

(7) Request information or assistance as may be necessary for carrying out the duties and responsibilities under this subchapter from the Department of Military and Veterans Affairs.

(b) Commonwealth agencies shall:

(1) Develop and document an agency strategy to implement the policy in § 1.591 (relating to purpose).

(2) Encourage and facilitate participation by VBEs and SDVBEs in the award of agency procurement contracts.

(3) Encourage agency contractors to subcontract with VBEs and SDVBEs and actively monitor and evaluate their efforts.

(4) Participate in outreach activities and events to increase the interest and participation of VBEs and SDVBEs in procurement contracts.

(5) Solicit VBEs and SDVBEs to compete for contracting opportunities and disseminate information to VBEs and SDVBEs that will assist these businesses in participating in agency procurement contracts.

(6) Track and report to the Department, annually, on agency efforts to meet the purpose of increasing VBE and SDVBE participation.

(7) Include VBEs and SDVBEs in the competition for those agency contracts that are identified for competition by small businesses.

(8) Consider VBE and SDVBE status as a factor in the procurement process when permitted by law.

(c) Agency heads shall:

(1) Ensure that the agency's commitment to the veteran-owned small business procurement initiative is clearly understood and appropriately implemented and enforced by appropriate agency personnel.

(2) Designate an appropriate employee to supervise the agency's veteran-owned small business procurement initiative and ensure compliance within the agency.

(3) Furnish to the Department, upon request, related information or assistance.

(4) Participate in outreach activities and events to increase interest and participation by VBEs and SDVBEs in Commonwealth procurements.

§ 1.593. Definitions.

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

SDVBE—Service-disabled veteran-owned small business enterprise—A small business owned and controlled by either of the following:

(i) A service-disabled veteran.

(ii) A surviving spouse or permanent caregiver of a veteran if approved by the Department of General Services.

Service-disabled—A veteran who possesses either a disability rating letter issued by the United States Department of Veterans Affairs or a disability determination from the United States Department of Defense.

Small business—A business that does not exceed the limitation on revenue or number of employees established by the Department of General Services for designation as a small business.

VBE—Veteran-owned small business enterprise—A business owned and controlled by a veteran.

Veteran—A person who served on active duty in the United States Armed Forces, including the Reserve and National Guard, who was one of the following:

(i) Discharged or released from service under honorable conditions.

(ii) A Reservist or member of the National Guard who completed an initial term of enlistment or qualifying period of service

(iii) A Reservist or member of the National Guard who was disabled in the line of duty during training.

(b) These terms shall be further defined by the Department of General Services, with guidance by the Department of Military and Veteran Affairs, in Manual 215.3, Procurement Handbook, as issued by the Department of General Services.

§ 1.594. Effective date.

This subchapter takes effect immediately.

§ 1.595. Termination date.

This subchapter remains in effect unless revised or rescinded by the Governor.

[Pa.B. Doc. No. 12-568. Filed for public inspection March 30, 2012, 9:00 a.m.]

PART I. GOVERNOR'S OFFICE
[4 PA. CODE CH. 6]
[EXECUTIVE ORDER NO. 2012-03]
Pennsylvania Homeland Security

February 22, 2012

Whereas, in response to the September 11, 2001, terrorist attacks on the United States and its people, the President of the United States, George W. Bush, called upon all Americans to be vigilant to the threat of terrorism and to defend our nation against additional and future terrorist attacks; and

Whereas, terrorist attacks may result in mass casualties to civilian populations and disruption of critical government functions, which would jeopardize the national economy and the delivery of services upon which the welfare of citizens and the economic vitality of the nation depend; and

Whereas, the commonwealth must take necessary steps to protect its citizens from these threats and be prepared to act should these events occur; and

Whereas, preparedness involves a continuous cycle of activity to develop the elements necessary to maximize the capability to prevent, protect against, respond to, and recover from domestic incidents, especially major events that require coordination among an appropriate combination of federal, state, local, private sector, and non-governmental entities, in order to minimize the potentially adverse impact on lives, property, and the economy; and

Whereas, the United States Department of Homeland Security requires an all-crimes, all-hazards approach to preparedness requiring the commonwealth to have an efficient and comprehensive approach to prevent, protect, respond, and recover from an incident or event of national significance that necessitates coordination between federal, state, and local entities.

Now, Therefore, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by the virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do formally establish the Governor's Office of Homeland Security within the Office of the Governor, and do order and direct as follows.



Governor

Fiscal Note: 2012-3. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

Subchapter E. (Reserved)

(Editor's Note: This subchapter was amended by Executive Order No. 2006-5, which was rescinded by Executive Order No. 2007-10. Executive Order No. 2012-03 rescinds Executive Order No. 2007-10, which was not published in the *Pennsylvania Bulletin*.)

Sec.
6.41—6.49. (Reserved).

Subchapter LL. OFFICE OF HOMELAND SECURITY

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§ 6.471. Purpose.

The Office of Homeland Security shall prepare for, prevent, respond and recover from acts of terrorism.

§ 6.472. Responsibilities.

The Office of Homeland Security shall do the following:

- (1) Secure this Commonwealth from acts of terrorism.
- (2) Reduce the vulnerability of critical infrastructure and key resources to terrorist attacks.
- (3) Partner with the United States Department of Homeland Security and other Federal, State and local agencies in matters related to homeland security.
- (4) Work with the Primary State Fusion Center to develop the process of information fusion for the gathering, processing, analyzing and disseminating of information related to homeland security.
- (5) Cooperate with the Pennsylvania Emergency Management Agency in matters relating to emergency management planning, preparedness and response.
- (6) Participate, in concert with the private sector and other Federal, State and local agencies, in a coordinated effort to prepare for, prevent, respond and recover from acts of terrorism.

§ 6.473. Composition.

The Office of Homeland Security (Office) shall consist of the following members:

(1) *Homeland Security Advisor.* The head of the Office shall be the Homeland Security Advisor (Advisor), as appointed by the Governor. The Advisor shall serve as the Commonwealth's primary point of contact with the United States Department of Homeland Security and other Federal, State and local agencies in matters related to homeland security. The Advisor shall advise and report to the Governor.

(2) *Homeland Security Director.* The Office shall be managed by the Homeland Security Director (Director), appointed by the Governor. The Director shall report to the Advisor and to the Governor's Deputy Chief of Staff for Public Safety. The Director shall be assisted by personnel deemed necessary to allow the Office to carry out its responsibilities.

§ 6.474. Staffing and location.

The Homeland Security Director is authorized to select, appoint and employ employees as necessary to carry out the functions of the Office of Homeland Security in accordance with the procedures of the Governor's Office of Administration. The Office of Homeland Security shall be located at Pennsylvania State Police Departmental Headquarters. Personnel assigned to the Office of Homeland Security shall be classified as authorized employees of the Pennsylvania State Police.

§ 6.475. Designation of State administrative agency.

The Pennsylvania Emergency Management Agency is designated as the State administrative agency for the Commonwealth and shall be responsible for the administration and audit functions of Federal grants relating to homeland security. The distribution awards of Federal grant money under the Homeland Security Grant Program and the Urban Areas Security Initiative Grant Program will be made by the Governor's Office, in consultation with the Homeland Security Advisor and the Director of the Pennsylvania Emergency Management Agency, in accordance with the Federal guidelines related to the National Homeland Security Strategy and Federal Grant Guidance as promulgated by United States Department of Homeland Security and Federal Emergency Management Agency for the respective grant years.

§ 6.476. Cooperation by State agencies.

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Office of Homeland Security and the Governor's Deputy Chief of Staff for Public Safety to carry out its functions effectively.

§ 6.477. Effective date.

This subchapter takes effect immediately.

§ 6.478. Termination date.

This subchapter remains in effect unless revised or rescinded by the Governor.

§ 6.479. Rescission.

Effective immediately Executive Order 2007-10, Pennsylvania Homeland Security and Emergency Preparedness Organizational Structure is rescinded.

[Pa.B. Doc. No. 12-569. Filed for public inspection March 30, 2012, 9:00 a.m.]
