

THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

[EXECUTIVE ORDER NO. 2015-11]

Diversity, Inclusion and Small Business Opportunities in Commonwealth Procurement and in Pennsylvania's Economy

September 23, 2015

Whereas, This Administration recognizes that diversity, inclusion and small business opportunities are essential to ensuring Jobs That Pay and to restoring a thriving economy for all Pennsylvanians; and

Whereas, The unemployment rate among Pennsylvania's minority populations is approximately twice the unemployment rate among non-minorities, and the unemployment rate among Pennsylvania's population with disabilities, including service-disabled veterans, is approximately three times the unemployment rate among the non-disabled; and

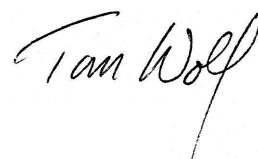
Whereas, Low rates of minority-owned, woman-owned and veteran-owned small business participation in Commonwealth procurement contracts and in Pennsylvania's larger economy contribute to disparities in our unemployment rates; and

Whereas, By previous Executive Order, the executive agencies under the Governor's jurisdiction are prohibited from discriminating in employment because of, among other factors, sexual orientation or gender identity; and

Whereas, By previous Executive Orders and pursuant to law, the executive agencies under the Governor's jurisdiction have all been directed to encourage greater participation from small diverse businesses, such as minority-owned, woman-owned, veteran-owned, and service-disabled-veteran-owned small businesses, as well as organizations that provide meaningful employment and business opportunities for persons with disabilities; and

Whereas, This Administration recognizes the need for goal setting, results measurement and greater coordination among all agencies to ensure and increase diversity, inclusion and small business opportunities in Commonwealth procurement contracts and in Pennsylvania's larger economy.

Now, Therefore, I, Thomas Wolf, Governor of the Commonwealth of Pennsylvania, by the virtue of the authority vested in me by the Constitution and laws of the Commonwealth of Pennsylvania do hereby direct the following.



Governor

Fiscal Note: 2015-11. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

Subchapter DDD. ADVISORY COUNCIL ON DIVERSITY,
INCLUSION AND SMALL BUSINESS OPPORTUNITIES

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| Sec. | |
| 1.831. | Advisory Council on Diversity, Inclusion and Small Business Opportunities. |
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§ 1.831. Advisory Council on Diversity, Inclusion and Small Business Opportunities.

(a) The Advisory Council on Diversity, Inclusion and Small Business Opportunities (Advisory Council) is established to advise the Governor's Office and executive agencies under the Governor's jurisdiction on ways to improve State contracting and grant opportunities, job creation initiatives, financing and bonding programs, and business assistance and professional development programs.

(b) The Advisory Council shall be co-chaired by the Secretary of the Department of General Services, the Secretary of the Department of Community and Economic Development, the Secretary of the Department of Transportation and the Secretary of the Department of Labor and Industry, or their designated deputy secretaries. Additional members shall be comprised of small business owners, minority business owners, women business owners, veteran business owners, Commonwealth agency staff and other key stakeholders as identified by the co-chairs and the Governor's Office.

(c) Beginning no later than September 30, 2015, the Advisory Council shall meet quarterly to provide input and feedback on:

- (1) Success metrics and Statewide-participation goals.
- (2) Program guidelines, policies and procedures.
- (3) Proposed revisions to statements of policy or regulatory packages, or both.
- (4) Other Commonwealth-issued programmatic materials regarding the goal of increasing diversity, inclusion and small business opportunities in Commonwealth procurement contracts and in the larger economy in this Commonwealth.

§ 1.832. Responsibilities.

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

(1) Co-chair and provide staffing support to the Advisory Council on Diversity, Inclusion and Small Business Opportunities (Advisory Council).

(2) Rename its Bureau of Small Business Opportunities as the Bureau of Diversity, Inclusion and Small Business Opportunities (Bureau).

(3) Expand the Bureau's focus in terms of training and outreach, including the establishment of a Mentor-Protégé Program to support capacity building and sustainability among participating businesses and organizations.

(4) Expand the Bureau's programs into new segments of State contracting and revisit existing segments to ensure maximum diversity, inclusion and small business opportunities in all State contracting opportunities.

(5) Implement meaningful performance-based metrics and regular reporting intervals to measure the value and success of all diversity programs. Compliance and inclusion, training and education, and financial and business assistance delivered shall be measured, at minimum, annually.

(6) Work collaboratively with the Advisory Council in establishing a Statewide goal to increase diverse business participation in State contracting opportunities.

(b) The Department of Community and Economic Development (DCED) shall:

(1) Co-chair the Advisory Council.

(2) Ensure that eligible businesses are provided with information and training as applicable for loan and grant solicitations, capital assistance programs and other business assistance programs provided by DCED.

(3) Give consideration, when possible, to businesses' diversity status in the selection and award of grants and other financial assistance opportunities to the extent permitted by the United States Constitution, the Pennsylvania Constitution, and other State and Federal laws.

(c) The Department of Transportation (DOT) shall:

(1) Co-chair the Advisory Council.

(2) Work with the Advisory Council and DGS to ensure that provisions for diversity, inclusion and small business opportunities in DOT contracting opportunities are consistent with Statewide program requirements to the extent permitted by the United States Constitution, the Pennsylvania Constitution, and other State and Federal laws.

(3) Provide outreach and support services to identify and assist disadvantaged business enterprises and small diverse businesses in performing DOT contracts.

(4) Enhance DOT's disadvantaged business enterprise program to ensure efficiency and timeliness in the processing of certification applications.

(d) The Department of Labor and Industry (L&I) shall:

(1) Co-chair the Advisory Council.

(2) Give consideration, when possible, to employer and employee diversity status in the administration of employment assistance and training programs to the extent permitted by the United States Constitution, the Pennsylvania Constitution, and other State and Federal laws.

(3) Ensure that eligible businesses are provided with information and training as applicable for grant solicitations and other business assistance programs provided by L&I.

(4) Develop and provide statistical and other data on a quarterly basis regarding trends affecting diverse businesses and persons with disabilities for the purposes of informing the Advisory Council and other key stakeholders.

(5) Ensure that the programs and resources of L&I's Office of Vocational Rehabilitation are available to eligible persons and businesses.

(6) Effectively utilize L&I's Apprenticeship and Training Council and PA CareerLinks to provide appropriate information or assistance, or both, to businesses and other entities seeking to employ a diverse and inclusive workforce.

§ 1.833. Cooperation by Commonwealth agencies.

Agency heads and all Commonwealth agencies under the Governor's jurisdiction shall work cooperatively with the Department of General Services, the Department of Community and Economic Development, the Department of Transportation, the Department of Labor and Industry and the Advisory Council on Diversity, Inclusion and Small Business Opportunities (Advisory Council) to ensure the success of the Advisory Council's mission. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to work with the departmental co-chairs and the Advisory Council to adopt similar initiatives to support greater diversity, inclusion and small business opportunities in Commonwealth contracting.

§ 1.834. Effective date.

This subchapter takes effect immediately and remains in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 15-2039. Filed for public inspection November 20, 2015, 9:00 a.m.]