



## EXECUTIVE ORDER NO. 08-16

### PROMOTING DIVERSITY AND EQUAL OPPORTUNITY FOR MINORITY AND WOMEN OWNED BUSINESSES

Minority and women owned businesses are a dynamic and fast-growing sector of the Oregon economy. Oregon is committed to creating an environment that supports the ingenuity and industriousness of Oregon's minority and women owned businesses.

Aspirational targets and other initiatives can support Oregon's efforts to improve entrepreneurial opportunities for certified minority and women owned business enterprises (MBEs/WBEs), prevent race and sex based discrimination and ensure that state funds are used to foster an inclusive business climate. Aspirational targets will reflect Oregon's commitment to oppose all forms of discrimination and demonstrate Oregon's intent to create an environment that supports economic growth in all sectors, including among Oregon's minority and women owned businesses.

#### NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. On or before August 29, 2008, and thereafter on a yearly basis, the Governor's Advocate for Minority, Women, and Emerging Small Business (Governor's Advocate) shall identify and circulate a list of industry clusters in which there are a sufficient number of MBEs/WBEs to warrant setting aspirational targets.
2. Subsequent to the identification of industry clusters by the Governor's Advocate, but in no event later than December 31, 2008, the Department of Administrative Services (DAS), Department of Human Services (DHS), Department of Transportation (ODOT), Department of Fish & Wildlife (ODFW), Employment Department (OED), Department of Corrections (DOC), Economic & Community Development Department (OECDD), Department of Housing & Community Services (DHCS), Department of Forestry (DOF), Oregon Parks & Recreation Department (OPRD) and Department of Energy (DOE) shall develop aspirational targets for MBE/WBE procurement of contracts worth \$150,000 or less, that are expected to be performed by MBEs/WBEs.
3. On or before December 31, 2008, DAS, DHS, ODOT, ODFW, OED, DOC, OECDD, DHCS, DOF, OPRD and DOE shall develop aspirational targets for soliciting MBEs/WBEs to submit bids for contracts worth \$150,000 or less in industry clusters identified by the Governor's Advocate.
4. Aspirational targets shall be set by agencies only after considering the size, location and scope of work required for typical contracts. Agencies are encouraged to use the Oregon Department of Transportation's target setting process as a model in setting



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aspirational targets. Agencies shall reassess their aspirational targets on or before December 31, 2009, and thereafter on an annual basis.

5. The existence of aspirational targets shall not result in any preferential treatment, advantage or disadvantage for any particular business in obtaining contracts with the State of Oregon; but will, instead, be an indication of the extent of business that the State can expect to conduct with MBEs/WBEs.

6. Agencies shall report aspirational targets and actual MBE/WBE solicitation and utilization to the Governor's Advocate on or before December 31, 2008 and by the end of each subsequent year. Commencing in 2009 and continuing on an annual basis, agencies shall also report statistics on MBE/WBE contract procurement and solicitation to the Governor's Advocate.

7. To further Oregon's efforts to create an inclusive business climate, all state agencies under DAS procurement authority shall:

- a. Train all contract procurement staff and management personnel with contract procurement responsibilities on the requirements of DAS Statewide Policy 107-009-030, entitled "MWESB Procurement," and DAS Statewide Policy 125-09-020, entitled "Oregon Procurement Information Network (ORPIN)";
- b. Collaborate with the Department of Consumer and Business Service (DCBS) Office of Minority, Women and Emerging Small Businesses and the Governor's Advocate to promote Minority, Women and Emerging Small Business certification, as established by ORS 200.055, and increase the number of certified firms;
- c. Diligently record MBE/WBE certification status in contract award information collected by ORPIN;
- d. Diligently record the MBE/WBE certification status of all businesses invited to submit a bid for a Small or Intermediate Procurement under ORS 279B; and
- e. Evaluate and consider modifying unnecessarily restrictive definitions in the procurement process to facilitate participation of all businesses wishing to do business with the state, without regard to gender, race, ethnic origin, religion, social class, or other affiliation.

8. DAS shall allow businesses to voluntarily self-identify as minority or women owned businesses in ORPIN, regardless of whether those businesses are certified



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under ORS 200.055. This voluntarily provided self-identification data shall not be provided to the procurement division of any state agency and shall not be used in any way in making contract award decisions. Self-identification data shall only be used by the Governor's Advocate, DAS and the DCBS Office of Minority, Women and Emerging Small Businesses to conduct outreach to businesses that could potentially qualify for certification and to estimate overall minority and women participation in the state contract procurement process.

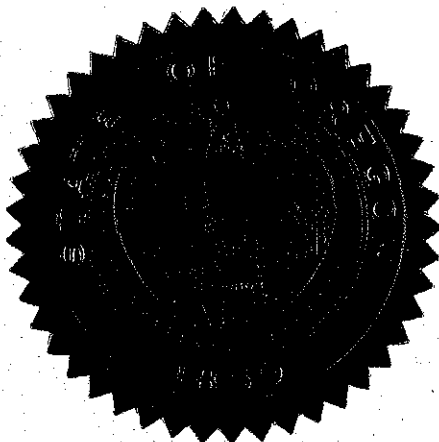
9. DAS shall cooperate with the Governor's Advocate to explore opportunities to plan and fund a model disparity study of MBE/WBE contract procurement in two to three state agencies in discrete industry categories. DAS and selected agencies shall submit findings on potential model disparity studies to the Governor's Office, on or before December 31, 2009.

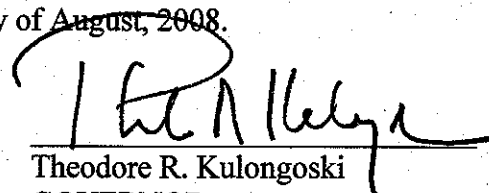
10. Beginning on or before December 31, 2009, and continuing on an annual basis, the Director of DAS, together with any appropriate Agency Director(s), shall present Certificates of Excellence to contract procurement staff and/or management personnel who have assisted agencies in making significant progress in developing aspirational targets or have taken extraordinary initiative in conducting outreach to minority and women owned businesses.

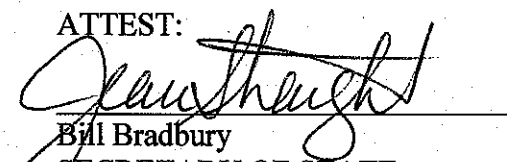
11. Notwithstanding this Executive Order, agencies not named in this Executive Order must continue to comply with the requirements of ORS 200.035. Agencies outside the scope of this Executive Order are encouraged to develop, implement and participate in the policies and processes outlined in this Executive Order, as appropriate.

12. This Executive Order shall expire on January 1, 2014.

Done at Salem, Oregon, this 6<sup>th</sup> day of August, 2008.



  
Theodore R. Kulongski  
GOVERNOR

ATTEST:  
  
Bill Bradbury  
SECRETARY OF STATE