

# **ERIE COUNTY LEGISLATURE**

**Charley H. Fisher III**  
*Legislative Assistant*



*Clerk, Erie County Legislature  
Minority/Women Business  
Enterprise Committee*

To: Robert M. Graber  
From: Charley H. Fisher III, Clerk, MWBE Committee  
Subject: Various Executive Orders

Attached for clock-in to the public record of the Erie County Legislature please find various executive orders from certain state governors and a city mayor concerning minority and women business enterprise utilization.

Please direct these orders to the Legislature's Minority/Women Business Enterprise Committee.

Thank you.

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**EXECUTIVE ORDER 80-03****MINORITY AND WOMEN'S BUSINESS ENTERPRISE UTILIZATION**

It is the policy of the state of Washington that all its citizens, including those who are socially and economically disadvantaged, be afforded an opportunity for full participation in our free enterprise system in order to enhance their personal well-being and the state's economic potential. Executive Order 77-5, entitled "Minority Contract Procurement Plan," directed all state agencies to work toward awarding a higher percentage of contracts to minority businesses. The report provisions of that Order have helped define the extent of the problem and identify the changes which must be made to achieve success.

It has become additionally apparent that businesses owned by women are also a distinct minority in the business community and are subject to many of the same discriminatory practices suffered by minority-owned businesses.

In recognition of this policy, the state of Washington is committed to ensuring the full and equitable participation by women's and minority business enterprises in the providing of goods and services to the state on a contractual basis. The ultimate goal of this Executive Order is to increase the use of women's and minority business enterprises above the present low-level to a level more comparable to their representation in the population.

**NOW, THEREFORE, I, Dixy Lee Ray, Governor of the state of Washington, do hereby order and direct the following:**

**I. SCOPE**

A. The provisions of this Order shall apply to all contracts awarded by the state and services utilized by the state except as may be hereafter specifically exempted in utilization requirements issued by the Office of Financial Management and shall be liberally construed for accomplishment of its policies and purposes.

B. All state departments, commissions, boards, officers and employers, in the deposit of state funds and performance of their other official duties, shall make every good faith effort to utilize equitably the services of women's and minority small business enterprises. Such services shall include, but are not limited to, the financial services of banks, savings and loan companies and other commercial financial institutions and arrangement of travel and accommodations when traveling on official state business.

**II. DEFINITIONS**

A. "Minority," "minorities," or "minority person" means ethnic persons residing in the United States, including American Indians, Asian Pacific Americans, Black Americans, Mexican Americans and Native Alaskans.

B. "Minority business enterprise" means a business which is owned and controlled by one or more minority persons. For purposes of this definition, the non-minority owner or owners of the minority business enterprise may not be the owner or operator, in whole or in part, of a business engaged in the same or similar type of business activity as the minority business enterprises.

C. "Women's business enterprise" means a business which is owned and controlled by one or more women residing in the United States or its territories. For purpose of this definition, the male owner or owners in a women's small business enterprise may not be the owner or operator, in whole or in part, of a business engaged in the same or similar type of business activity as the women's business enterprise.

D. "Owned and controlled," for purposes of determining whether a business is a minority business enterprise, women's business enterprise or combination women's and minority business enterprise, means that the minorities, women, or combination of both, as the context requires, shall possess:

1. Ownership of greater than 50 percent of the business; and
2. Control over management, interest in capital, and interest in profit or loss commensurate with the percentage of ownership on which the claim of status is based; and
3. A real and continuing interest in the business.

### III. MINORITY AND WOMEN'S BUSINESS DEVELOPMENT ADVISORY COUNCIL

The Minority and Women's Business Development Advisory Council is hereby established. The Council shall be appointed by the Governor and shall include representatives of state agencies at the director, deputy or assistant director level; the women's and minority business community; and the business community at large. The Council shall:

A. Establish separate annual statewide goals for the utilization of women's business enterprises and minority business enterprises with the advice of the Department of Commerce and Economic Development and contract awarding authorities. These goals shall be expressed in terms of a percentage of the total dollar value of all contracts to be awarded by the state, and may be established separately for categories of contracting such as construction, consultant, concessions and purchasing.

B. With the advice of each contract awarding authority, establish separate annual goals for utilization of minority and women's business enterprises by that awarding authority. These goals shall be expressed as a percentage of the total dollar value of all contracts to be awarded by the contract awarding authority and may be established separately by contract category. These goals shall equal or exceed the statewide annual goals, unless a lower goal is set by the Council, together with a statement of reasons therefor.

C. Identify programs that have stimulated minority participation.

D. Identify barriers to minority participation and develop workable solutions.

E. Report semi-annually to the Governor regarding the state's progress in achieving the goals set forth in this Executive order.

F. Submit to the Governor recommendations for legislation, innovative programs, or other action deemed desirable to promote the purpose of this Order.





**State of New Jersey  
Executive Order #34**

**Governor Jon S. Corzine**

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WHEREAS, New Jersey maintains a diverse business community that includes many thousands of small businesses, which generate substantial economic activity and provide numerous employment opportunities throughout the State; and

WHEREAS, small businesses that employ less than 100 people each account for nearly half of all jobs in the State; and

WHEREAS, the State's economic strength and vitality are inextricably linked to the continued growth and success of small and emerging business enterprises; and

WHEREAS, minority- and women-owned businesses comprise a significant percentage of the State's small businesses; and

WHEREAS, New Jersey's diverse population is an invaluable asset to the State and its business community; and

WHEREAS, each year the State enters into billions of dollars worth of contracts to obtain construction and construction-related services, as well as other goods and services needed by State departments and agencies; and

WHEREAS, it is a priority of my administration to take all necessary remedial steps to overcome the factors that have operated to prevent or inhibit participation by minority- and women-owned business enterprises in the procurement opportunities offered by the State, and to ensure that State government renews its commitment to the utilization of minority- and women-owned business enterprises in its procurement practices through increased outreach, enhanced transparency, and effective monitoring of the progress made in this regard; and

WHEREAS, the State has previously taken steps intended to identify, quantify, and remedy racial and gender disparities resulting from its procurement practices; and

WHEREAS, in 1984, the State adopted the New Jersey Set-Aside Act, N.J.S.A. 52:32-17 et seq. (the "Set-Aside Act"), in an effort to address historic discrimination based upon race and gender in the State's procurement practices; and

WHEREAS, in 1989, the Supreme Court of the United States concluded, in the case of *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989), that a race-based set-aside program established by a local government entity was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution because it was not justified by a compelling interest and narrowly tailored to accomplish a remedial purpose; and

WHEREAS, the Supreme Court in Croson indicated that governmental set-aside programs based on racial classifications must adhere to strict constitutional standards, including that such programs or policies must be justified based on strong evidence of actual discrimination carried out by the governmental entity and that the program or policy must be narrowly tailored to remedy the discrimination; and

WHEREAS, in order to comply with the constitutional requirements outlined in the Croson decision, Governors Kean, Florio, Whitman, McGreevey, and Codey took various steps to evaluate past and present discrimination in the State's procurement practices, beginning with Governor Thomas H. Kean's issuance of Executive Order No. 213 (1989) establishing the "Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts" (the "Commission"); and

WHEREAS, the Commission issued its report in 1993, which contained evidence of widespread discrimination against firms owned and operated by minorities and women and indicated that these firms experience pervasive exclusion from the public contracting process; and

WHEREAS, in light of the Commission's findings, Governor James J. Florio issued Executive Order No. 84 (1993) establishing a set-aside program mandating that minority- and women-owned firms be awarded specific percentages of public contracts, and Governor Christine T. Whitman thereafter issued Executive Order No. 112 (2000), which established the "Governor's Study Commission on Discrimination in State Employment and Contracting" (the "Study Commission") and charged that Study Commission with the task of examining the nature and scope of any past or present discrimination in State employment and procurement practices; and

WHEREAS, the Study Commission, later renamed the "Disparity Study Commission," continued its investigative work through the administrations of Governors James E. McGreevey and Richard J. Codey; and

WHEREAS, in 2003, the Set-Aside Act was permanently enjoined by a Consent Decree entered by the federal district court in the matter of GEOD v. State of New Jersey, Civil Action No. 01-2656 (SRC) (D.N.J.) (the "Consent Decree") and following entry of the Consent Decree, Governor McGreevey issued Executive Order No. 71 (2003) eliminating set-aside goals for minority- and women-owned businesses and instead instituting a race- and gender-neutral small business set-aside program; and

WHEREAS, in 2005, the Disparity Study Commission issued its reports, the "Disparity Study of Procurement in Professional Services, Other Services and Goods and Commodities Report" and the "Construction Services Disparity Report" (the "Disparity Studies"), finding significant disparities between firms ready, willing, and able to do business with the State and those firms actually awarded contracts to provide goods and services to State departments, agencies, authorities, colleges, and universities; and

WHEREAS, the results of the Disparity Studies clearly demonstrate the necessity of immediate action to promote more inclusive purchasing and procurement processes;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established within the Office of Economic Growth, which was created at the outset of this administration to oversee job creation and business expansion activities in the State of New Jersey, a Division of Minority and Women Business Development (the "Division"). The purpose of the Division shall be to administer and monitor policies, practices, and programs that will further the State's efforts to ensure equal

opportunity for minority- and women-owned business enterprises ("M/WBEs") to participate in State

purchasing and procurement processes.

2. A Director, who shall report to the Chief of the Office of Economic Growth and the State Treasurer, or their designees, shall lead the Division. The Director also shall have the title of Advisor to the Governor.
3. The Governor shall appoint the Director of the Division. The Director may, in consultation with the Department of Personnel and the Director of the Office of Management and Budget in the Department of the Treasury, utilize any available persons or resources needed to carry out the duties of the Division as set forth in this Order.
4. The Director shall be responsible for administering and monitoring programs to increase the participation of minorities and women in State purchasing and procurement processes in an effort to remedy the significant disparities identified in the Disparity Studies. Specifically, the Director shall:
  - a. Develop M/WBE utilization goals, initially basing those goals on data contained in the Disparity Studies and thereafter periodically updating those goals based on subsequent studies, findings, recommendations, or other information as approved by the Division, and develop M/WBE policies and programs aimed at meeting those goals through race- and gender-neutral means;
  - b. Track and monitor, in coordination with the Division of Purchase and Property in the Department of the Treasury and the State departments, agencies, authorities, colleges, and universities, all of the State's procurement practices, including but not limited to the share of contracting dollars paid to M/WBEs through formal bidding processes, pursuant to delegated purchasing authority, and under cooperative purchasing agreements;
  - c. Establish standards and procedures that State departments, agencies, authorities, colleges, and universities shall use in developing annual procurement opportunity plans, which shall incorporate appropriate M/WBE utilization goals;
  - d. Obtain quarterly reports from each State department, agency, authority, college, and university relating to their purchasing and procurement activities;
  - e. Create and maintain an electronic M/WBE supplier database and ensure that listings of qualified M/WBEs are provided to the appropriate State entities as procurement opportunities arise; and
  - f. Provide an annual report to the Governor, the Legislature, and the public concerning the purchasing and procurement activities of the State departments, agencies, authorities, colleges, and universities.
5. The Director of the Division, or a designee, may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of the Division's mission.
6. Each State department, agency, authority, college, and university shall designate, within thirty (30) days of the issuance of this Order, an M/WBE liaison, who shall have direct, independent access to his or her Commissioner, Secretary, department head, or similar cabinet-level official concerning M/WBE program matters, including but not limited to coordination with the Director as required pursuant to this Order.
7. Furthermore, there is hereby established a Minority and Women's Business Development Advisory Council (the "Council"). The Council shall be comprised of individuals representing varying racial, ethnic, and socio-economic backgrounds who have experience in business, State procurement and contracting processes, legal

ECONOMIC BACKGROUND WHO HAVE EXPERIENCE IN BUSINESS, STATE PROCUREMENT AND CONTRACTING PROCESSES, legal affairs concerning equal opportunity in public contracting, or other areas relevant to the activities of the Council.

8. No Council member shall actively seek to secure a State contract or other agreement to provide goods or services to the State on behalf of any entity or organization of any kind in which the member has any personal or pecuniary interest.
9. The Council shall consist of thirteen (13) voting members as follows:
  - a. The Chief of the Office of Economic Growth, or a designee, who shall serve ex officio;
  - b. The State Treasurer, or a designee, who shall serve ex officio;
  - c. The Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission, or a designee, who shall serve ex officio;
  - d. Ten (10) public members, appointed by the Governor, two of whom shall be based upon the recommendation of the President of the Senate, provided that no more than one of whom shall be of the same political party, and two of whom shall be appointed based upon the recommendation of the Speaker of the General Assembly, provided that no more than one of whom shall be of the same political party.
10. The public members of the Council shall serve voluntarily and for terms of two years and until such time as a successor is appointed and qualified, except that of those members first appointed, five (5) shall be appointed for a term of two (2) years and five (5) shall be appointed for a term of one (1) year. Any vacancy caused by reason other than expiration of a member's term shall be filled in the same manner as the original appointment for the unexpired term only.
11. The Governor shall designate a Chairperson who will preside over all meetings of the Council. A Vice-Chairperson may be selected by a majority vote of the Council.
12. The Council shall be provided with Executive Branch representatives who shall assist with administrative support and other necessary functions in order to carry out the duties of the Council.
13. The Council shall advise the Director and the Division on all matters referred to it by the Director, or a designee, and may make recommendations to the Director on other relevant policy and implementation matters as the Council deems appropriate.
14. As part of its duties under this Order, the Council may review the State's current procurement and contracting practices and make recommendations for the improvement thereof. The Council may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.
15. Each State department, agency, authority, college, and university is hereby directed, to the extent not inconsistent with law, to work cooperatively with the Division in order to increase participation by M/WBEs in the procurement opportunities offered by the State. The Division is authorized to call upon any State department, agency, authority, college, or university to provide such information, personnel, resources, or other assistance available to such agency as the Director deems necessary to discharge the responsibilities of the Division under this Order. Each State department, agency, authority, college, and university is hereby



required, to the extent not inconsistent with law, to cooperate fully with the Division and to furnish the Division with such information and assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

16. This Order shall take effect immediately.

GIVEN, under my hand and seal this 15th day  
of September, Two Thousand and Six, and of  
the Independence of the United States, the Two  
Hundred and Thirty-First.

/s/ Jon S. Corzine

Governor

[seal]

Attest:

/s/ Stuart Rabner  
Chief Counsel to the Governor

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#### **No. 8 REMOVING BARRIERS TO MINORITY AND WOMEN BUSINESS ENTERPRISES' PARTICIPATION IN STATE CONTRACTING**

**WHEREAS**, New York State has enacted Article 15-A of the Executive Law, to promote equal opportunity in contracting for all persons, without discrimination for minority group members and women and business enterprises owned by them, and to eradicate the barriers that have impaired access by minority and women-owned business enterprises to State contracting opportunities;

**WHEREAS**, despite New York State's law to promote the continuing development of minority and women-owned businesses, in 2010 a statewide disparity study showed significant disparities between (1) the number of minority and female businesses in New York State available and qualified for contracting opportunities, and (2) the number of state contracts awarded to those businesses;

**WHEREAS**, legislation was enacted in 2010 to strengthen Article 15-A, and it is crucial that the State take active measures to ensure that these provisions are effectively implemented;

**WHEREAS**, it is of significant public importance that New York State conduct a critical, systematic, and comprehensive review to remove the barriers that have impaired access by minority and women-owned business enterprises to New York State contracting opportunities; and

**WHEREAS**, this review should be tailored to increasing the participation of minority and women-owned businesses in state contracting and providing equal opportunities in employment without discrimination;

**NOW, THEREFORE**, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York do hereby order as follows:

#### **A. Definitions**

As used herein, the following terms shall have the following meanings:

1. "Minority and Women-Owned Business Enterprise" or "M/WBE" shall mean those businesses defined as "Minority-Owned Business Enterprises" and "Women-Owned Business Enterprises" in Executive Law § 310.
2. "Public authority" or "authority" shall mean a public authority or public benefit corporation created by or existing under any New York State law, with one or more of its members appointed by the Governor or who serve as members by virtue of holding a civil office of New York State, other than an interstate or international authority or public benefit corporation, including any subsidiaries of such public authority or public benefit corporation.
3. "SAGE Commission" shall mean the Spending and Government Efficiency Commission created by Executive Order 4 of 2011 and tasked with redesigning the organizational structure of state government.
4. "State agency" or "agency" shall mean any state agency, department, office, board, bureau, division, committee, council or office.
5. "State officer or employee" shall have the meaning given in Section 73 of the Public Officers Law.

#### **B. M/WBE Team**

1. There is hereby established the M/WBE Team ("Team") that shall exist to provide guidance for, and advice to, the Governor.
2. The Governor shall appoint up to 30 voting members of the Team. The members of the Team shall include: state officers or employees with relevant experience; members of the New York State Legislature; members of state academic institutions; and stakeholders with experience in

supplier diversity contracting, diversity and inclusion practices and workforce diversity programs.

3. Vacancies shall be filled by the Governor, and the Governor may appoint additional voting and non-voting members to the Team as necessary. Members of the Team shall serve at the pleasure of the Governor.

4. The Governor shall designate a Chair from among the members of the Team.

5. A majority of the total members of the Team who have been appointed shall constitute a quorum, and all recommendations of the Team shall require approval of a majority of its total members.

6. The Team shall attempt to engage and solicit the input of a broad and diverse range of groups, organizations and individuals.

#### **C. Cooperation with the Team**

1. Every agency and authority of New York State shall provide to the Team every assistance and cooperation, including use of New York State facilities, which may be necessary or desirable to fulfill the purposes of this Executive Order.

2. Staff support necessary for the conduct of the Team's work shall be furnished by agencies and authorities (subject to the approval of the boards of directors of such authorities).

3. The Chief Diversity Officer shall serve as a liaison between the Team and agencies to facilitate the exchange of data and information.

## **Governor Andrew M. Cuomo**

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2. The Team shall work with the Executive Chamber to identify opportunities for collaboration with other relevant e

pire State Development Corporation, and the SAGE Commission and identify

3. The Chair shall notify stakeholders of the purposes of the Team, the opportunities for stakeholder participation and the means and schedule for such participation.

4. The Chair shall provide parameters for the submission of proposals and recommendations by stakeholders and other interested parties.

5. The Team's review and recommendations shall address existing barriers to M/WBE participation in State contracting opportunities including but not limited to:

- a. commitment from agency leadership to meeting M/WBE goals;
- b. access to information;
- c. specificity in contracts regarding M/WBE participation;
- d. assistance and supportive services programs;
- e. obstacles in credit and bonding that lead to difficulty in securing state contracts; and
- f. inconsistent and infrequent monitoring and compliance during contract period.

6. The Team shall also review the manner in which state agencies are implementing the 2010 amendments to Article 15-A of the Executive Law, and any problems with such implementation; and any gaps in the current statutory and regulatory regime governing M/WBE contracting.

7. The Team shall commence its work no later than March 1, 2011. On or before May 1, 2011, the Team shall identify a work plan and work with the Executive Chamber to implement the plan.

8. The Team shall fully implement its work plan by or before June 1, 2012. Thereafter, the Team shall terminate its work and be relieved of all responsibilities and duties hereunder.

GIVEN under my hand and the Privy Seal of the  
State in the City of Albany this seventeenth day of  
February in the year two thousand eleven.

BY THE GOVERNOR

Secretary to the Governor

EXECUTIVE ORDER NO. 5 - 10

RELATING TO THE PARTICIPATION OF  
MINORITY, WOMAN AND DISABLED OWNED BUSINESSES  
IN CITY CONTRACTS

BACKGROUND

WHEREAS, Disparities in the utilization of Minority, Woman and Disabled Owned Businesses ("M/W/DSBEs") in City Contracts continue to exist as evidenced by the City's Annual Disparity Study and Participation Reports of For-Profit City Contracting Activity; and

WHEREAS, Disestablishment of the Minority Business Enterprise Council and creation of the new Office of Economic Opportunity, accomplished under Executive Order 14-08, enables a comprehensive approach to the advancement of economic opportunities for M/W/DSBEs and for diverse workers seeking employment in the local economy; and

WHEREAS, "Inclusion Works," issued in February 2010, establishes a strategic plan for ameliorating contracting and employment disparities and increasing opportunities for M/W/DSBEs in both public and private sector contracting; and

WHEREAS, Continuation of the antidiscrimination policies for City Contracts and City related projects enunciated by Executive Order 02-05, as modified by Executive Order 14-08, will support this economic strategy.

NOW THEREFORE, I, Michael A. Nutter, Mayor of Philadelphia, by the powers vested in me in accordance with Sections 1-102 and 4-100 of The Philadelphia Home Rule Charter, do hereby ORDER:

**SECTION 1. Reauthorization of Executive Order 02-05**

A. Executive Order 02-05 Reauthorized. Executive Order 02-05, as amended on September 4, 2006, shall continue in effect until September 4, 2012, unless further re-authorized.

Date: 9/14/10

  
Michael A. Nutter, Mayor

**EXECUTIVE ORDER 83-01****Establishing Policies for Minority and Women's Business Enterprises**

It is important that minority and women's business enterprises (14WBE) have the opportunity to compete for and secure their fair shares of state contracts. An increased level of participation by such businesses is desirable at all levels of state government.

**NOW, THEREFORE**, I, John Spellman, Governor of the state of Washington, by virtue of the power vested in me, do hereby declare and order the following.

It shall be the policy of the state to provide the maximum practical opportunity for increased participation by MWBE's in the process by which goods and services are procured by state agencies from the private sector. Such procurement includes, but is not limited to, personal service contracts, purchasing contracts, public works contracts, purchased goods and services emergency purchases of goods and services, and discretionary purchases.

**Agency Goals.** I hereby establish as goals that, of the dollar value of all contracts awarded by the state, 9.1 percent be awarded to minority-owned businesses and 3 percent be awarded to women-owned businesses. In addition, these same goals shall apply to each agency. The goals established for each agency shall be administered on a contract-by-contract basis or on a class-of-contracts basis. However, annually, the overall goals will still apply. When an agency in receipt of federal funds is required to have a larger goal than specified above, then that goal shall prevail on all contracts of that agency, whether federally or state funded.

Each agency director is hereby personally charged with the responsibility for achieving full compliance with this Order. Agency directors who report directly to the Governor shall be evaluated by the Governor in this regard. Agencies headed by independently elected officials and by boards and commissions, including the colleges and universities, are encouraged to comply with this Order. Each agency head shall provide to the Governor through the MWBE Coordinator reports of the agency's performance, following procedures to be issued pursuant to this Order.

**MWBE Coordinator.** The Director, Department of General Administration, is hereby appointed coordinator of the state's MWBE program, with responsibility for coordinating implementation of this Order.

The Director shall:

Establish an MWBE goals-setting procedure for use by all state agencies for all state contracts.

Establish an audited list of certified MWBE's for use by all state agencies.

Establish a monthly MWBE performance reporting procedure for use by all state agencies.

Coordinate the publication of a consolidated monthly MWBE performance report to the Governor.

**MWBE Advisory Committee.** An MWBE Advisory Committee is hereby established to assist the Coordinator with development and implementation of this program. The Advisory Committee will consist of eleven voting members and eight non-voting members. Of the eleven voting members, to be appointed by the

Governor, at least eight shall be minority or women owners of businesses. They shall reflect a fair representation geographically, by minority group, and by sex.

The eight non-voting members shall be:

Director, Department of General Administration, Chair  
Director, Office of Financial Management  
Secretary, Department of Transportation  
Secretary, Department of Social and Health Services  
Commissioner of Employment Security  
Director, Department of Commerce and Economic Development  
Executive Secretary, Human Rights Commission

A representative from the Council for Postsecondary Education

A detailed plan for this program will be submitted to me by the WMBE Coordinator for approval no later than February 15, 1983.

IN WITNESS WHEREOF, I have hereunto set  
my hand and caused the seal of the State of  
Washington to be affixed at Olympia this  
14th day of January A.D., Nineteen hundred and eighty-  
three.

John Spellman  
Governor of Washington

**BY THE GOVERNOR:**

Secretary of State

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THOMAS P. DINAPOLI  
STATE COMPTROLLER



110 STATE STREET  
ALBANY, NEW YORK 12236

STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER

**EXECUTIVE ORDER**

**MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE PROCUREMENTS**

**WHEREAS**, Article 15-A of the New York State Executive Law (Executive Law §§310-318) and State Finance Law §163 (6) were enacted to promote equality of economic opportunity for minority group members and women and to eradicate barriers that have unreasonably impeded access by minority and women-owned business enterprises (M/WBEs) to State contracting activities; and

**WHEREAS**, consistent with the above laws, the Office of the State Comptroller (OSC) has a longstanding and continuing commitment to the participation of M/WBEs in the State's contracting and procurement activities as providers of goods and services. In fact, this commitment represents an integral component of my Executive Order on Equal Opportunity, Non-Discrimination and Affirmative Action; and

**WHEREAS**, with this Executive Order, I hereby reaffirm that commitment;

**NOW, THEREFORE**, I, Thomas P. DiNapoli, Comptroller of the State of New York, in consideration of the aforementioned, do hereby order that:

All appropriate OSC employees will take steps to facilitate the fullest possible utilization of M/WBEs, in accordance with the above laws, in the purchasing and contracting activities of OSC, consistent with procedures developed by the OSC Division of Diversity Planning and Equity Management.

\_\_\_\_\_/s/\_\_\_\_\_  
Thomas P. DiNapoli  
Comptroller, State of New York

Revised Date: February 6, 2008  
Original Date: March 12, 2001