

Governor Signs Executive Order 151 Ensuring Minorities and Women Benefit from State Contracting Opportunities

Governor Jon S. Corzine signed Executive Order 151 in August 2009 reinforcing his commitment to increase economic opportunities for New Jersey's Small, Minority, and Women Business Enterprises (SMWBE's). EO 151 (August 2009), re-affirms the State's commitment, expressed in statute and regulation, that every public contract, whether for construction, construction related, goods and services, including professional services, shall promote purchasing and procurement processes that appropriately include minority and women owned businesses, and provide equal employment opportunity for women and minorities, by specifically strengthening the performance accountability of State agencies, authorities, commissions, colleges and universities, as it relates to contracting, procurement and employment with minorities and women.

Among other things, the executive order does the following:

- Establishes goals for State agencies, authorities, colleges and universities and commissions to contract with minority and women-owned businesses – Division of Minority and Women Business Development (DMWBD).
- Ensures that jobs created through federal and state economic recovery funds are posted on the Department of Labor's website <http://NJ.gov/JobCentralNJ> .
- Ensures that minorities and women are afforded training and apprenticeship opportunities for construction trades - Division of Contract Compliance, Department of the Treasury.
- Ensures that minorities and women are given equal opportunities for employment on work sites funded through state and federal economic stimulus dollars – Division of Contract Compliance, Department of the Treasury.

Following are highlights of the responsibilities DMWBD is charged with:

1.- ___ Implement reporting procedures that capture contractor and subcontractor activity using as benchmarks, good faith efforts, substitution policy regulations and notification of awards/payments

2. - Expand the pool of available vendors by requiring Reporting Agencies to use DMWBD databases and other on-line resources, as well as provide postings of public notices. Specifically, state agencies are required to:

- ensure the reporting of and compliance with contract-specific contracting and subcontracting goals for the Reporting Agency that are consistent with the availability percentages set forth. These goals should

incorporate good faith effort requirements and should be adjusted annually, consistent with the availability of minority and women-owned businesses for which significant disparities in utilization have been demonstrated in each business category.

- Inform the DMWBD of contracting opportunities at the same time that it advertises or otherwise posts public notices of such opportunities.

- Actively and regularly use the databases and other on-line services managed and operated by the DMWBD to identify additional potential bidders.

- Contact the businesses identified in the DMWBD's databases and on-line services to provide them with notice of the contracting opportunities available through the Reporting Agency; and

- Report to the Division of M/W Business Development all payments and awards prime contractors have issued to subcontractors, identifying payments and awards to minority and women-owned businesses.

- Where substitution of subcontractors or sub-consultants is permitted, promulgate policies governing the circumstances under which contractors or consultants may substitute subcontractors or sub-consultants named in bid proposals or otherwise identified as small or women or minority-owned business subcontractors, sub-consultants, or vendors ("Substitution Policies").

3. Prepare a Contracting Guide that identifies "best practices" (a) increasing the number of small and minority and women-owned businesses made aware of contracting opportunities with the State; and (b) increasing the number of such businesses competing for contracts with the state or subcontracts with entities contracting with the state.

A complete version of Executive Order 151 is available online at www.state.nj.us/infobank/circular/eojsc151.htm. ###