

EXECUTIVE ORDERS

Executive Order No. 8: Establishing the MWBE Executive Leadership Council and the MWBE Corporate Roundtable.

WHEREAS, in 1988 New York State enacted a law establishing a comprehensive, statewide Minority and Women-Owned Business Enterprise ("MWBE") program; and

WHEREAS, as of February 2007, the MWBE program certified 6,975 minority and women-owned businesses, and New York State awarded approximately \$445 million in contracts to some of these businesses in the 2005-2006 fiscal year; and

WHEREAS, approximately 23% of New York's small businesses are owned by minorities and 26% of New York's small businesses are owned by women, but only 3% of the state's contracts were awarded to minority and women-owned businesses in the 2005-2006 fiscal year; and

WHEREAS, New York's economy must be open for all to participate; and

WHEREAS, it is appropriate to take steps to ensure that state agencies and public authorities increase participation of qualified MWBE businesses in all state contracts;

NOW, THEREFORE, I, Eliot Spitzer, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

A. The MWBE Executive Leadership Council

1. There is hereby created an MWBE Executive Leadership Council ("Council") that shall seek to improve the participation of MWBE businesses in the state's procurement process through recommendations made by executives in state agencies and public authorities that award contracts to the private sector.
2. The Council shall consist of at least sixteen members appointed by the Governor, including the Lieutenant Governor, who shall chair the Council, the Commissioner of the Department of Economic Development, the Director of the Division of MWBE Development, the State Comptroller, the Director of the Budget, the New York State Chief Information Officer, the Commissioner of the Office of General Services, the Chancellor of the State University of New York, the Commissioner of Education, the Commissioner of Transportation, the Commissioner of Correctional Services, the President of the Battery Park City Authority, the Executive Director of the Development Authority of the North Country, the Executive Director of the Dormitory Authority, the Executive Director of the Metropolitan Transportation Authority, and the Executive Director of the Thruway Authority.
3. The Council shall meet at least quarterly and make recommendations to increase MWBE participation in state contracting, including, but not limited to: (a) identifying best practices for state agencies to promote MWBE business participation; (b) identifying laws, rules, regulations and practices of state agencies which are counter-productive or inimical to MWBE businesses in state contracting; (c) recommending ways to improve inter-governmental cooperation among state agencies and public authorities to improve the goals of the MWBE program; and (d) evaluating the practices of public authorities in promoting the participation of certified MWBE businesses,

including but not limited to underwriters, legal counsel, financial services firms and consultants, to meet the objectives of State Finance Law § 136-b.

4. The Council shall annually prepare a written report of its findings on the first of November which shall be posted on the internet page of the Division of MWBE Development.
 5. All agencies and public authorities shall cooperate and provide assistance as may be requested by the Council. The State Procurement Council, created pursuant to State Finance Law § 161, the Council of Contracting Agencies, created pursuant to Executive Order No. 125, issued on May 22, 1989, the MWBE statewide advocate, established pursuant to Executive Law § 311-a, and the MWBE Advisory Board, created pursuant to Economic Development Law § 120, shall work with the Council to increase participation by certified MWBE businesses in state contracting.
- ### B. The MWBE Corporate Roundtable
1. There is hereby created an MWBE Corporate Roundtable ("Roundtable") that shall seek to improve the participation of MWBE businesses in the state's procurement process through recommendations made by corporate executives in the private sector.
 2. The Roundtable shall consist of at least sixteen members appointed by the Governor, including the Lieutenant Governor, who shall chair the Roundtable, the Commissioner of the Department of Economic Development, the Director of the Division of the MWBE Development, and thirteen business executives representing corporations that have distinguished themselves by purchasing a significant percentage of goods and services from a diverse supplier base. The corporate representation of the members shall reflect the diversity of contracting engaged in by the state.
 3. The Roundtable shall meet at least quarterly and, based upon the success of the private sector's supplier diversity programs, make recommendations to increase MWBE participation in state contracting, including but not limited to: (a) technology to facilitate and track MWBE contracting; (b) goal setting for MWBE utilization; (c) benchmarking for accurate recording of MWBE utilization; and (d) appropriate training of state procurement officers to ensure full understanding of the MWBE program.
 4. The Roundtable shall annually prepare a written report of its findings on the first of November which shall be posted on the internet page of the Division of MWBE Development.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this eighteenth day of February in the year two thousand seven.

BY THE GOVERNOR

/S/ Eliot Spitzer

/s/ Richard S. Baum

Secretary to the Governor

