


Executive Order
Commonwealth of Pennsylvania
Governor's Office

Subject: Creating Opportunities for Small and Disadvantaged Businesses in the Expenditure of Federal Stimulus Monies	Number: 2009-02
 By Direction of: Edward G. Rendell, Governor	Date: October 28, 2009

WHEREAS, the *American Recovery and Reinvestment Act of 2009, Pub. L. 111-5*, (ARRA) was enacted to preserve and create jobs, promote economic recovery, assist those most impacted by the recession, provide investments needed to increase economic efficiency by spurring technological advances in science and health, invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits, and stabilize state and local government budgets in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases; and

WHEREAS, in the expenditure of ARRA funds, the Commonwealth must seek to provide opportunities for small businesses, including small disadvantaged businesses, to compete for contracts and grants and to participate as contractors, subcontractors and suppliers (ARRA opportunities) because these businesses play a critical role in stimulating economic growth and creating jobs, they are the engine of our economy, and provide creative, innovative, and technical expertise to support our agencies; and

WHEREAS, I have established, as an overall Commonwealth aspirational goal, that at least ten percent of ARRA funds should go to small disadvantaged businesses as contractors, subcontractors, grantees, subgrantees, and suppliers.

NOW, THEREFORE, I, Edward G. Rendell, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby order the following in regard to the expenditure of ARRA funds:

1. Commonwealth agencies shall seek to provide maximum practicable opportunities for small disadvantaged businesses to compete for contracts and grants and to participate as contractors, professional service providers, subcontractors, and suppliers, and shall in good faith make their best efforts to reach the ten percent aspirational goal. At a minimum, Commonwealth agencies shall:

- a. Inform the Department of General Services' Bureau of Minority and Women Business Opportunities of contracting opportunities and competitive grant opportunities at the same time that it advertises or otherwise posts public notices of such opportunities;
 - b. Participate in outreach activities and events to increase small disadvantaged business interest and participation in ARRA opportunities;
 - c. Use the Department of General Services' Web site (www.dgs.state.pa.us) to identify Department of General Services-certified minority business enterprises (MBEs) and small women business enterprises (WBEs) for solicitation for ARRA opportunities; and
 - d. Track and report to the Department of General Services information on MBE and WBE participation in ARRA opportunities.
2. Commonwealth agencies shall, when permitted by law, consider a small business' disadvantaged status as a factor in the procurement and grant selection process to the extent permitted by the United States Constitution, Pennsylvania Constitution, Commonwealth Procurement Code, or other state or federal law.
3. In addition to complying with existing Commonwealth policy requirements relating to the solicitation and utilization of small disadvantaged businesses, Commonwealth agencies shall require contractors and grantees to make reasonable and good faith efforts to provide maximum practicable opportunities for small disadvantaged businesses to participate as contractors, professional service providers, subcontractors, and suppliers. Contractors and grantees, at a minimum, shall be required to:
 - a. Consult with the Department of General Services' Bureau of Minority and Women Business Opportunities to ensure significant ARRA opportunities for small certified MBEs and WBEs unless the Department of General Services agrees that contractor or grantee participation in outreach activities will satisfy this requirement;
 - b. Participate in outreach activities and events to increase small disadvantaged business interest and participation in ARRA opportunities;
 - c. Use the Department of General Services' Web site (www.dgs.state.pa.us) to identify certified MBEs and WBEs as potential sources for ARRA opportunities;
 - d. Include certified MBEs and WBEs on solicitation lists;
 - e. Prepare and keep records of solicitations, including a bid tabulation, showing names of all firms solicited and the dollar amount of the bid, quote or proposal, as well as copies of all bids, quotes, and proposals received; and

