

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 therefore.

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.

IV. DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

The Department of Commerce and Economic Development shall:

A. Provide information and other assistance to minority and women's business enterprises to increase their ability to compete effectively for the award of state contracts.

B. Assist state agencies to increase minority and women's business enterprise participation on state contracts.

C. Certify businesses as bona fide women's business enterprises and minority business enterprises and maintain a listing of such bona fide businesses for use by contract awarding authorities and contractors.

D. Compile and publish directories of minority and women businesses enterprises and distribute to all state agencies.

V. OFFICE OF FINANCIAL MANAGEMENT

The Office of Financial Management, after consultation with the Department of Commerce and Economic Development shall:

1. Develop a reporting system for monitoring compliance with this Executive Order and report semi-annually to the Minority and Women's Business Development Advisory Council.

2. Develop and issue minority and women's business enterprise utilization requirements, guidelines and sanctions consistent with the Constitution and laws of the state of Washington to be followed by each state agency in the awarding of contracts for construction, consultant and other services, purchasing, leases and concessions.

VI. ALL PROVISIONS OF EO [77-05](#) ARE HEREWITH RESCINDED.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 6th day of February A.D., Nineteen hundred and eighty.

Dixy Lee Ray
Governor of Washington

BY THE GOVERNOR:

Secretary of State
