



The State of Maryland

Executive Department

EXECUTIVE ORDER
01.01.2023.03

Reporting of Procurement Activity and Minority Business Enterprise Compliance

- WHEREAS, In 1978, the State of Maryland established the Minority Business Enterprise (MBE) program to increase economic opportunity and participation for minority and women-owned firms in State government procurement;
- WHEREAS, Since 2013, the State of Maryland has had a statewide MBE participation goal of 29% in all qualifying state procurement expenditures;
- WHEREAS, Since 2013, the State of Maryland has consistently failed to meet its statewide MBE participation goal, thereby depriving Maryland's MBE communities of meaningful opportunities to participate in State procurement activities and to receive hundreds of millions of dollars in procurement awards;
- WHEREAS, The State of Maryland is firmly committed to identifying and implementing policies, procedures, regulations, and legislation that promote increased MBE participation, compliance, accountability, and transparency; and
- WHEREAS, As the State of Maryland works to make progress on these goals, it is imperative that the Governor receive current data on the performance and compliance of agencies and departments participating in the MBE program.
- NOW THEREFORE, I, WES MOORE, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. Definitions.

1. "Participating Agencies" means those procurement units required to report MBE participation and compliance data to the Governor's Office of Small, Minority, and Woman Business Affairs (GOSBA).
2. "Jurisdiction" means each of Maryland's 23 counties and Baltimore City.

B. Within sixty (60) days of the issuance of this Executive Order, all Participating Agencies shall submit a report to the Governor detailing the Participating Agency's procurement activity since July 1, 2022. The report shall include the following:

1. The quantity of procurement solicitations issued;
2. The quantity and the cumulative dollar value of contract awards;
3. The quantity and the cumulative dollar value of contract modifications;
4. The quantity and the cumulative dollar value of contract renewal options exercised;
5. The quantity of procurement solicitations issued with MBE goals;
6. The quantity of contract awards with MBE goals;
7. The number of contracts modified that had MBE goals;
 - a. The number of contracts that met their MBE goals at the time of the modification;
 - b. The number of contracts that did not meet their MBE goals at the time of the modification;
8. The number of contracts whose renewal options were exercised that had MBE goals;
 - a. The number of renewed contracts that met their MBE goals at the time of the renewal option being exercised;
 - b. The number of renewed contracts that did not meet their MBE goals at the time of the renewal option being exercised.

C. Within sixty (60) days of the issuance of this Order, all Participating Agencies shall submit a report to the Governor detailing the outreach and marketing efforts to MBE firms that the Participating Agency conducted related to procurement solicitations from July 1, 2022, to the date of the issuance of this Order.


D. Within sixty (60) days of the issuance of this Executive Order, the Maryland Department of Transportation, in its capacity as the State's official MBE certification agency, shall submit a report to the Governor with the following information:

1. By jurisdiction, the total number of businesses certified as an MBE;
2. By jurisdiction, the total number of Maryland-based businesses certified as an MBE;
3. By jurisdiction, the number of African American-owned businesses certified as an MBE;

4. By jurisdiction, the number of Hispanic-owned businesses certified as an MBE;
 5. By jurisdiction, the number of Asian-owned businesses certified as an MBE;
 6. By jurisdiction, the number of Native American-owned businesses certified as an MBE;
 7. By jurisdiction, the number of Woman-owned businesses certified as an MBE; and
 8. By jurisdiction, the number of Disabled-owned businesses certified as an MBE.
- E. Any Participating Agencies who are required to submit MBE performance and compliance reporting data to GOSBA for Fiscal Year 2022 but have not done so by the date of the issuance of this Executive Order, must submit the mandatory data to GOSBA within 15 days of the issuance of this Executive Order.
- F. Participating Agencies shall implement this Executive Order in a manner that is consistent with all applicable statutes and regulations. Nothing in this Executive Order shall operate to contravene any State or federal law or to affect the State's receipt of federal funding.
- G. If any provision of this Executive Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, the provisions or applications of the Executive Order are severable, and all others shall remain in effect to the extent possible without the invalid provision or application.


GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 16th day of February, 2023.





Wes Moore
Governor

ATTEST:



Susan C. Lee
Secretary of State