

State of North Carolina

PAT McCRORY
GOVERNOR

September 3, 2013

EXECUTIVE ORDER NO. 24

GOVERNOR'S ADVISORY COUNCIL ON SMALL AND HISTORICALLY UNDERUTILIZED BUSINESSES

WHEREAS, the creation, growth and sustainability of small and historically underutilized businesses (hereinafter referred to as HUBs) are central to the economic growth and stability of the State of North Carolina; and

WHEREAS, it is the policy of the State of North Carolina to encourage and promote the use of small contractors, minority contractors, physically disabled contractors, and women contractors in State purchasing of goods and services and certain building contracts as set forth in the General Statutes section 143-48 and section 143-128.2; and

WHEREAS, it is a priority of the State to promote the recruitment and utilization of small and minority businesses and assure access to purchase and contract opportunities for small businesses, and for businesses owned by a minority, or a woman, or a disabled person, in an efficient and effective manner; and

WHEREAS, it is the policy of the State that North Carolina businesses be given an equal opportunity to participate in the provision of goods and services to the State of North Carolina; and

WHEREAS, it is my expectation, as the Governor of the State, that this will be accomplished without regard to race, gender, or physical disability; and

WHEREAS, it is my expectation that barriers are eliminated that may limit or lessen opportunities for small businesses and HUB firms to do business with the State of North Carolina.

NOW THEREFORE, by the power vested in me as the Governor of the State of North Carolina by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**;

Section 1. Established

The Governor's Advisory Council on Small and Historically Underutilized Businesses (hereinafter "HUB Advisory Council") is hereby established.

The HUB Advisory Council will provide support and guidance to the Governor, Secretary of the Department of Administration, and to the Department of Administration's Office of Historically Underutilized Businesses (hereinafter "HUB Office"), on matters specific to the furtherance of the objectives of this Executive Order.

Section 2. Membership

The HUB Advisory Council shall consist of thirteen (13) members, each appointed for a term of two (2) years. All members shall be appointed by the Governor and shall serve at the pleasure of the Governor. The Governor shall appoint a Chair from among the membership of the HUB Advisory Council.

The Governor shall appoint members from the following categories:

- A. Two representatives of minority owned business enterprises.
- B. Two representatives of women owned business enterprises.
- C. Two representatives of small business enterprises.
- D. Two representatives of physically disabled business enterprises.
- E. Five at-large members.

Section 3. Meetings

The HUB Advisory Council shall meet on a monthly basis for the first six months after the effective date of this order, and quarterly thereafter.

Section 4. Goals of the HUB Advisory Council

The HUB Advisory Council shall be responsible for providing advisory guidance and direction in the accomplishment of the following:

- A. The identification of opportunities for small businesses and HUBs to do business with each of the cabinet agencies.
- B. The identification of barriers that inhibit access to state contract and procurement opportunities, and to provide recommendations to remedy such barriers.
- C. To review reports on HUB utilization by the respective agencies and to offer recommendations from the evaluations of such reports.
- D. Monitor and offer recommendations in the utilization of technology in the identification of small businesses and HUBs, as well as the certification and registration of such firms.

The Advisory Council shall issue an annual report to the Governor in December of each year for the prior fiscal year.

Section 5. Administration

The HUB Office shall provide administrative and staff services to the HUB Advisory Council.

Members of the Advisory Council shall neither receive compensation nor travel reimbursement for their service on the Council.

Section 6. State Contracts and Purchasing

For purposes of this order a “small businesses” must meet United States Small Business Administration’s size standards for its primary industry classification as defined in 13 C.F.R. § 121.201.

Each cabinet agency shall work to achieve the objectives and address remedies as identified in the respective disparity studies conducted for the State and any of its agencies. Each cabinet agency should strive to increase the amount of goods and services acquired by it from small and HUB vendors, whether directly as principal contractors or indirectly as subcontractors or otherwise. It is expected that each agency will issue an aspirational goal of at least ten percent (10%), by dollar amount, of the State’s purchases of goods and services that will be derived from small and HUB firms. It is further expected that such aspirational goals shall be adjusted per any disparity study findings as recommended by HUB Office and the North Carolina Department of Transportation, Business Opportunity and Workforce Development Office, and the Office of Civil Rights.

The HUB Advisory Council and the HUB Office shall assist each agency in developing a plan and should provide technical assistance to reach the recommended objectives related to the purchases of goods and services. The HUB Office may work in coordination with local, regional, and non-profit economic development organizations to engage in outreach and assistance that encourages State and local units of government to provide opportunities to small and HUB firms.

Each cabinet agency shall be expected to work towards identifying market opportunities within the agency, and shall assure that such information is provided to the HUB Office for outreach to small and HUB vendors.

Each cabinet agency shall report on challenges and accomplishments during meetings of the HUB Advisory Council as determined by the Chair.

Each cabinet agency shall coordinate with the HUB Office and the DOA Division of Purchase and Contract in outreach to HUB vendors to share information on the procurement process and the contact persons within the cabinet agencies.

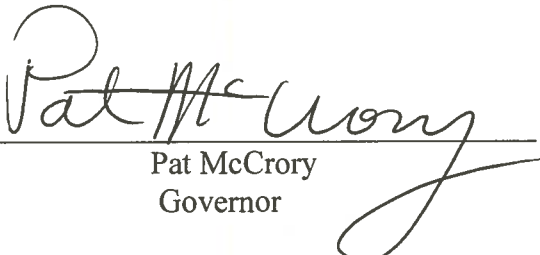
The State Purchasing Office, the Director of the State Construction Office, the Secretary of the Department of Transportation, the Director of the State Property Office, and all State agencies shall continue to implement guidelines and procedures that ensure that the State’s contracts contain specific requirements that compel contractors doing business with the State to comply with federal and state equal employment opportunity and non-discrimination requirements or their equivalents.

Section 7. Effect and Duration


The Board of Governors of the University of North Carolina System, the State Board of Community Colleges, local boards of education, and each head of the Council of State agencies are encouraged and invited to participate in this Executive Order.

This Executive Order is effective immediately and shall remain in effect until September 5, 2017, pursuant to N.C. Gen. Stat. § 147-16.2(b), or until earlier rescinded. It supersedes and replaces all other executive orders on this subject and specifically rescinds Executive Order No. 13, dated May 7, 2009.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this third day of September, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.


Pat McCrory
Governor

ATTEST:


Elaine F. Marshall
Secretary of State

