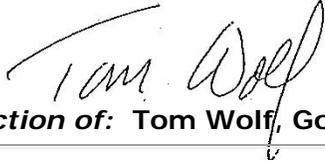


# Executive Order

Commonwealth of Pennsylvania  
Governor's Office

**Subject:**  
Contract Compliance

**Number:**  
2016-05

  
**By Direction of:** Tom Wolf, Governor

**Date:** April 7, 2016

WHEREAS, this Administration is committed to promoting the prosperity and economic growth of all businesses and citizens of the Commonwealth of Pennsylvania, regardless of race, gender, creed, color, sexual orientation, or gender identity or expression; and

WHEREAS, this Administration believes the contracting processes of Commonwealth agencies should be nondiscriminatory and that all businesses contracting with the Commonwealth as well as all grantees should use nondiscriminatory practices in subcontracting, hiring, promoting, and other labor matters; and

WHEREAS, this Administration believes that a single Commonwealth agency should be assigned the responsibility of developing and managing programs for Commonwealth agencies to ensure that discrimination by reason of race, gender, creed, color, sexual orientation, or gender identity or expression does not exist with respect to the award, selection, or performance of any contracts or grants issued by Commonwealth agencies; and

WHEREAS, under Sections 301 and 3701 of the Commonwealth Procurement Code, the Department of General Services is generally responsible for the formulation of procurement policy.

NOW, THEREFORE, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution and laws of the Commonwealth of Pennsylvania, do hereby designate the Department of General Services as the central agency to develop and manage Commonwealth agency programs to ensure that discrimination by reason of race, gender, creed, color, sexual orientation, or gender identity or expression does not exist with respect to the award, selection, or performance of any contracts or grants issued by Commonwealth agencies.

**1. Establishment of Contract Compliance Program.** Commonwealth agencies shall establish, implement, and maintain contract compliance programs to ensure that Commonwealth contracts and grants are nondiscriminatory in three aspects:

**a.** Nondiscrimination in the award of such contracts and grants.



- (2) Create contract compliance plans, coordinate the development of activities to implement agency plans, and develop audit and reporting systems to measure the effectiveness of the agency's contract compliance programs.
  - (3) Designate a responsible official to supervise the agency's contract compliance program.
  - (4) Designate a contract administrator to carry out all agency responsibilities regarding contract compliance as articulated in this Executive Order.
  - (5) Upon request, furnish pertinent information or assistance to DGS.
  - (6) Recommend sanctions to the Secretary of General Services, as may be appropriate, for lack of compliance with Commonwealth contracting programs.
- c. For those programs where an agency's receipt and use of federal funds are subject to approval and oversight by a federal funding agency, Agency Heads under the Governor's jurisdiction will comply with those contract compliance requirements imposed by that federal agency as a condition of eligibility for the funds rather than program requirements established by DGS.
4. **Cooperation by Commonwealth Agencies.** Agency Heads and all agencies, boards and commissions under the Governor's jurisdiction shall work cooperatively with DGS to fulfill the demands of this Executive Order. Independent agencies, state-affiliated entities, and state-related agencies are strongly encouraged to work with DGS to adopt, refine, and implement similar procurement practices and procedures to support greater diversity, inclusion, and fairness in the contracting process.
  5. **General Provisions.** Nothing in this Executive Order shall be construed to impair or otherwise affect the authority granted by law to an executive department, agency, or the head thereof. This Executive Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
  6. **Rescission.** *Executive Order 2006-02, Contract Compliance*, is hereby rescinded.
  7. **Effective Date.** This Executive Order shall take effect immediately.