



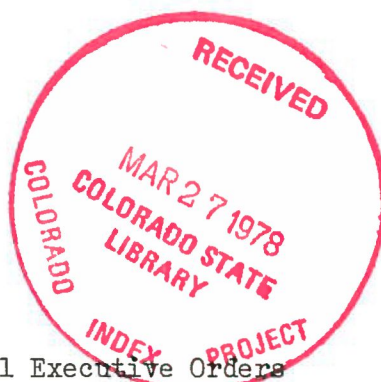
State of Colorado

EXECUTIVE CHAMBERS

DENVER

RICHARD D. LAMM
Governor

EXECUTIVE ORDER



- WHEREAS, the Civil Rights Act of 1964 Presidential Executive Orders 112467, dated September 24, 1965, and 11625, dated October 13, 1961, as amended, and the regulations promulgated pursuant thereto, require the equal opportunity be afforded by all recipients of federal funds; and
- WHEREAS, I, Richard D. Lamm, Governor of the State of Colorado, have issued an Executive Order dated April 16, 1975, which requires equal opportunity in affirmative action in state services, purchases and employment; and
- WHEREAS, it is the desire and intent of the State of Colorado to abide by both the spirit and the letter of federal and state laws in the administration and operation of state services, construction, purchases and employment contracts to the end that a maximum number of minority contractors, subcontractors, suppliers and other minority businesspersons be used within the provisions of the said laws and regulations; and
- WHEREAS, pursuant thereto, the Colorado State Controller has issued an amendment to the State fiscal rules, effective October 1, 1976, requiring contractual equal employment opportunity and affirmative action commitments of all persons contracting with the State; and
- WHEREAS, the construction industry in the State of Colorado has taken the leadership in pioneering efforts to bring about productive and cooperative working relationships between the majority and minority business communities; and
- WHEREAS, provision is required for enforcement of the Executive Orders and contractual commitments,

NOW, THEREFORE, I hereby direct that:

1. A State of Colorado Construction Affirmative Action Council (SCAAC) be established by my office to set policy guidelines to ensure the fullest possible use of the existing and potential capabilities of all minority contractors, subcontractors, suppliers, and other professional contractors and businesspersons desiring to enter into commercial dealings, service contracts, construction contracts and

subcontracts involving the State of Colorado.

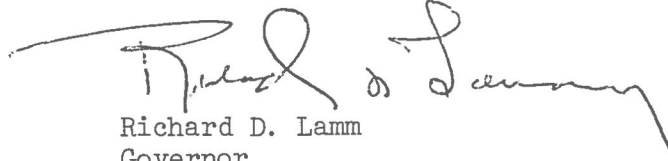
2. The SCAAC membership initially will be selected by appropriate representatives from the Associated General Contractors of Colorado, Colorado Contractors Association, Colorado Surety Managers Association, the Construction Industry Management Council and the Minority Association of Contractors with the Chairperson of the said Council to be appointed by the Governor from recommendations submitted to the Governor's Office by the SCAAC Executive Committee and that SCAAC be recognized by the Office of Planning and Budgeting, Department of Administration, the Department of Highways and all other state departments, agencies and institutions involved in the areas of construction, service, supply, procurement and professional or other contract services as the principal representative for minorities and other socially and economically disadvantaged persons desiring to participate in construction, supply, procurement and professional or other contract services for the State of Colorado. The SCAAC will serve as an advisory body to work in conjunction with those state agencies, departments and institutions on guidelines to implement and ensure the utilization to the maximum extent feasible of minority contractors, subcontractors, suppliers and other personal and professional service contractors in commercial dealings with the State of Colorado. It is further understood that the SCAAC Executive Committee shall have the sole responsibility for implementing this Order and it shall initially be composed of one representative from the Associated General Contractors, one from the Colorado Contractors Association, one from Colorado Surety Managers Association, one from subcontractor associations, one from procurement associations, and five members selected by the Minority Association of Contractors. SCAAC may add or substitute representatives from other industries as needed, subject to the approval of the Governor.
3. The SCAAC will be responsible primarily for advising the Governor's office on the following:
 - a. Coordinating and distributing a comprehensive list of minority contractors, subcontractors, suppliers, and other minority businesses capable of performing the services or of supplying the materials on construction projects for the State of Colorado;
 - b. Assuring that a proportion of the gross dollar volume of procurement, personal service, and construction contracts let by the State of Colorado will be awarded to minority contractors, subcontractors, suppliers and other minority businesspersons who are capable of performing the services or supplying the material on construction and other commercial projects; and who meet the requirements of Colorado law.
 - c. Constantly recruiting and obtaining a larger list of minority contractors, subcontractors, suppliers, personal service vendors, and other minority businesspersons capable of performing the services or of supplying materials on construction and other contracts or projects undertaken by the State;

- d. Monitoring performance and tabulating data on compliance by State agencies involved in the contracting process.
 - e. Advising the Governor's office on how to minimize impediments relating to prequalification standards and procedures and the acquisition of licenses, permits, bonding, and inspections;
 - f. Reporting to the Governor at the end of each fiscal year, beginning with the State fiscal year ending June 30, 1978, specific comparative data including percentages, regarding the utilization of minority contractors, suppliers, and other minority businesspersons on all construction and other work undertaken by or for State departments and agencies; evaluating such performance; and recommending where necessary programs or other actions which should be taken to achieve the goals of this program;
 - g. Assisting in coordination of training and education programs sponsored by the construction industry and local public educational institutions to upgrade managerial and technical abilities of minority contractors, subcontractors, suppliers and vendors; and
 - h. Furnishing information and assistance to local minority contractors, subcontractors, suppliers, vendors, businesspersons and other professional service contractors, and assisting them in working with the United State Small Business Administration (hereinafter "SBA") and other appropriate private institutions, federal and local agencies, to secure management assistance, technical advice, financial and loan information necessary to operate a successful small business enterprise.
4. For the purpose of this Executive Order, the term "minority" shall be defined as follows: The applicant company must be a small business as defined by the SBA and must be owned and controlled by one or more persons who are members of an ethnic group or are from geographical areas where chronic social and economic conditions have deprived them of the opportunity to develop and maintain a competitive position in social, chronic economic circumstances or other similar causes. Such persons include, but are not limited to, Black Americans, American Indians, Spanish Americans, Oriental Americans, Eskimos and Aleuts and persons from areas which have suffered chronic economic deprivation.
5. It is the intent of this Order that implementation be effective; to that end the Office of State Planning and Budgeting, through the Emergency Funding powers, will be allotted the support and resources of two (2) FTE's on an interim basis to act as a liaison staff.

The liaison staff will conduct research and serve as a central clearinghouse for public and private activities related to minority and other disadvantaged business development within the State of Colorado. The liaison

staff will initiate systematic data collection processes, establish regular performance evaluation, provide technical and management assistance to small, minority and economically disadvantaged business enterprises within the constraints of this Order. The liaison staff will prepare quarterly program progress reports for the Office of State Planning and Budgeting after December 31, 1978 to assure that the goals of this Order are being achieved.

GIVEN under my hand and the seal of the State of Colorado this sixteenth day of March, 1978.


Richard D. Lamm
Governor

