

**EXECUTIVE ORDER NO. 3 -17**

**ROLE AND RESPONSIBILITIES OF DEPARTMENTAL OEO OFFICERS**

**WHEREAS**, Section 6-109 of the Philadelphia Home Rule Charter requires annual City contract participation goals for Disadvantaged Business Enterprises for the upcoming fiscal year; and

**WHEREAS**, Section 17-1501 of The Philadelphia Code defines a *Qualified Disadvantaged Business Enterprise* (DBE) as a small business in which at least 51% of the stock is owned by one or more socially and economically disadvantaged individuals, and provides for a rebuttable presumption that all African Americans, Hispanic Americans, Asian Americans, Native Americans, women, and disabled persons shall be classified as such individuals; and

**WHEREAS**, Section 17-1502 of The Philadelphia Code provides that in devising the Annual Participation Goals, the Finance Director (who has delegated this responsibility to the Office of Economic Opportunity), shall separately consider the following categories of ownership of DBEs: (a) African Americans, (b) Hispanic Americans, (c) Asian Americans, (d) Native Americans, (e) women; (f) disabled persons; as well as (g) DBE's operating within the City of Philadelphia; and

**WHEREAS**, the Office of Economic Opportunity (OEO), an agency within the Commerce Department, administers a comprehensive City-wide approach for advancing economic opportunities for Minority, Women and Disabled-owned business enterprises, (collectively "M/W/DSBEs") and promoting employment opportunities for diverse workers seeking jobs; and

**WHEREAS**, pursuant to Executive Order No. 3-12, as amended January 4, 2016, OEO

must prepare an Annual Participation Report (the “Participation Report”), setting forth the dollar amount and percentage of participation by M/W/DSBEs on City Contracts awarded to for-profit businesses; and

**WHEREAS**, the Participation Report sets forth the performance of each City Department as measured against its annual goal of projected purchasing and contracting with M/W/DSBEs, as approved by OEO, during the immediately preceding period; and

**WHEREAS**, the role and responsibilities of the Departmental OEO Officer in implementing departmental and office OEO policies should be set forth, and further guidelines for such Officers should be provided;

**NOW, THEREFORE**, I, James F. Kenney, Mayor of the City of Philadelphia, by the powers vested in me by the Philadelphia Home Rule Charter, do hereby order as follows:

**SECTION 1. Mission of the Departmental OEO Officer.**

The position of Departmental OEO Officer is established in each Department or Office to assist the Department/Office Head (hereinafter collectively the “Department” or “Department Head”) in meeting the Department’s broad responsibilities for development of policies, programs, strategies, and practices for the collection of data indicating the dollar amount and percentage participation of M/W/DSBEs on City Contracts awarded to for-profit businesses. The Departmental OEO Officer is responsible for the development of a Departmental strategy to achieve M/W/DSBEs participation at the level of the Department’s annual goal or higher on City Contracts.

## **SECTION 2. Designation of Departmental OEO Officer.**

Each Department Head shall appoint a Department official to the Departmental OEO Officer position. The Departmental OEO Officer shall be a senior professional staff person with authorized direct access to the Department Head on all OEO procurement related matters and able to carry out the duties and responsibilities identified in Section 3. Appointment of temporary substitute personnel shall be at the discretion of the Department Head after providing notice to OEO. The Department Head shall insure that any substitute person acting for the Departmental OEO Officer at scheduled meetings regarding achievement of OEO goals shall be knowledgeable in matters related to procurement.

## **SECTION 3. Duties and Responsibilities.**

The Departmental OEO Officer shall have the following specific duties and responsibilities:

- Review upcoming departmental projects with an interest in identifying ways to maximize the participation of M/W/DSBEs in the Department's professional service, public works and procurement transactions;
- Work with OEO staff on the setting of the annual Departmental goal for each year;
- Insure OEO is invited to attend Pre-Proposal meetings and to join Selection Committees and/or similar processes for the development of projects and the review and selection of vendors;
- Review and help refine OEO quarterly reports to reflect actual Departmental participation achieved;

- Diligently work to improve M/W/DSBE participation in Miscellaneous Purchase Orders and Small Order Purchases where, because of their smaller size, the operating departments manage a decentralized bidding and RFP process;
  - Review with OEO the dollars expended and itemized as “No Opportunity Deductions” to determine whether any M/W/DSBE enterprise would qualify for consideration for an appropriate procurement opportunity in the present or future;
  - Identify strategies to increase M/W/DSBEs participation on contracts and for building a culture of improvement in their departments;
  - Review contract performance and non-compliance of primes and sub-contractors with respect to best and good faith efforts, utilizing the Contract Compliance Reporting System (CCRS) if available, and provide timely notice to OEO;
  - Participate in outreach events to meet prospective M/W/DSBEs and encourage their participation in City contracting opportunities;
  - Explore with OEO innovative approaches for achieving goals;
  - Periodically report the status of departmental goals achieved to Department leadership;
- and

Attend Departmental OEO Officer meetings quarterly, or as otherwise scheduled by OEO.

#### **SECTION 4. Training.**

Every Departmental OEO Officer shall undergo such trainings as required by OEO staff personnel.

**SECTION 5. Effective Date**

This Order shall take effect immediately.

3/30/17  
Date

James F. Kenney  
James F. Kenney, Mayor