

**EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA**



**EXECUTIVE ORDER D-43-01
by the
Governor of the State of California**

WHEREAS, the State of California spends billions of dollars each year procuring goods and services, and

WHEREAS, the State of California established the Disabled Veteran Business Enterprise Program in 1989 (Public Contract Code 10115) to promote self-reliance for California's disabled veterans by offering veterans the opportunity to gain experience in business, while sharing their expertise with the citizens of California; and

WHEREAS, existing law establishes the goal of awarding three percent of all state contracts to certified Disabled Veteran Business Enterprises; and

WHEREAS, most State departments and agencies have not met this goal; and

WHEREAS, it is my intent to keep California's promise to our veterans by increasing the participation of disabled veteran businesses in State contracting;

NOW THEREFORE, I, GRAY DAVIS, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and the statutes of the State of California, do hereby issue this order to become effective immediately:

IT IS ORDERED that each department director or chief executive officer shall take all appropriate action to ensure that the State's contracting programs are administered in a manner that promotes the participation of disabled veteran businesses to the greatest extent possible.

IT IS FURTHER ORDERED that each Agency Secretary shall promote the use of disabled veteran businesses in State contracting and shall review the participation levels achieved by the departments within their agencies. If a department's level of participation by disabled veteran businesses is less than three percent, or its participation rate is not reported, the Agency Secretary shall require the department to develop a plan for improvement.

IT IS FURTHER ORDERED that this review shall be completed, and any required plans shall be submitted to my Cabinet Secretary, no later than August 1, 2001. The review and plans required by this Executive Order shall be coordinated and included with the review and plans required by Executive Order D-37-01.

IT IS FURTHER ORDERED that the Departments of Veterans Affairs and General Services shall provide direction, assistance and resources to State agencies in achieving participation by disabled veteran businesses at the three- percent level.

IT IS FURTHER ORDERED that all State agencies shall make every effort to assure that disabled veteran businesses participate in at least three percent of State contracting annually by June 30, 2002. Any agency that does not meet this level shall report to the Governor by December 1, 2002 on the reasons why the participation was not achieved and options for improving contracting opportunities for disabled veteran businesses.

IT IS FURTHER ORDERED that, because virtually all disabled veteran businesses are small businesses, Agency Secretaries and the Department of General Services shall, to the extent possible, coordinate their efforts under this Executive Order with their efforts for small businesses under Executive Order D-37-01.

IT IS FURTHER ORDERED that the Department of General Services, in cooperation with the Department of Veterans Affairs, shall examine the current contracting programs for disabled veteran and small businesses and make recommendations to my office on how those programs could be improved.

IT IS FURTHER ORDERED that all Constitutional Officers, the University of California, the California State University, the Lottery Commission, the Public Employees' Retirement System, the State Teachers' Retirement System, the State Compensation Insurance Fund, and other independent State entities are encouraged to take all necessary actions to comply with the intent and the requirements of this Order.

IT IS FURTHER ORDERED that nothing in this Order shall be construed to require any action that would violate a court order or statute, or result in a loss of eligibility for federal funding.

I FURTHER DIRECT that as soon as hereafter possible, this order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this order.



IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this the twenty-second day of June 2001.

/s/ Gray Davis

Governor of California