EXECUTIVE ORDER NO. 29

WHEREAS, open, competitive, and accessible procurement processes help the State obtain high-quality goods and services at the best value for taxpayers, strengthens the State's supply chains, promotes innovation, and supports economic growth; and

WHEREAS, small, minority-owned, women-owned, veteran-owned, service-disabled veteran-owned, LGBTQ+-owned, and socially and economically disadvantaged business enterprises contribute to New Jersey's economy, create jobs, and provide valuable goods and services to residents, businesses, and government entities throughout the State; and

WHEREAS, State contracts can provide businesses with opportunities to grow, hire employees, build experience and capacity, and contribute to the economic vitality of their communities; and

WHEREAS, businesses can compete on equal footing for State contracts only when they readily identify opportunities, understand procurement requirements, obtain necessary certifications and pre-qualifications, prepare responsive bids and proposals, and receive timely payment for completed work; and

WHEREAS, providing businesses with early and direct access to information regarding anticipated State contracting needs and opportunities can strengthen competition, expand the State's supplier base, and help businesses better prepare to compete for State work; and

WHEREAS, making procurement opportunities easier to find, easier to understand, and more competitive can broaden the State's supplier base, expand opportunities for small and historically disadvantaged businesses, strengthen competition, reduce administrative burdens for businesses and State employees, and improve value and service delivery for New Jersey residents; and

WHEREAS, procurement requirements that are unnecessarily complex, duplicative, inconsistent, or disproportionate to the size and risk of a contract can limit competition, increase costs for the State and prospective vendors, and make it particularly difficult for small and emerging businesses to participate; and

WHEREAS, the Division of Revenue and Enterprise Systems in the Department of the Treasury ("Treasury") maintains programs for certifying entities as small, minority-owned, women-owned, veteran-owned, service-disabled veteran-owned, LGBTQ+-owned, and socially and economically disadvantaged business enterprises, and delineates the documentation required to establish that an entity qualifies as such a business under applicable State law; and

WHEREAS, by obtaining one or more of these certifications, businesses may be eligible to acquire State-backed documentation of the business's certification, which can be beneficial in various ways, including having a certified business's contact information posted to a public database called New Jersey Selective Assistance Vendor Information ("NJSAVI") to expand contracting opportunities for certified businesses; and

WHEREAS, certified businesses may also be eligible to participate in select set-aside or goal-based contracting initiatives offered by State Executive Branch departments and agencies; and

WHEREAS, before determining what additional programmatic, administrative, regulatory, or legislative remedies may be appropriate, the State is required to establish a current procurement baseline, identify where businesses encounter barriers, assess the performance of existing programs, and determine which requirements can be streamlined without

compromising competition, fiscal responsibility, public safety, or the State's other legitimate interests; and

WHEREAS, in August 1989, Governor Kean issued Executive Order No. 213 establishing the Governor's Study Commission on Discrimination in Public Work Procurement and Construction Contracts and directed the Study Commission to "investigate the nature and scope of any discriminatory practices" and "prepare an analysis of this information in order to develop probative evidence of any prior to present discrimination"; and

WHEREAS, the Study Commission released the State's first disparity study in 1993, with statistical findings showing a disparity between contract dollars awarded and the availability of minority- and women-owned firms to provide goods and services, and anecdotal findings showing a history of far-reaching discrimination in which the State passively participated; and

WHEREAS, in 2005, the State released an updated disparity study, and in 2006, Governor Corzine issued Executive Order No. 34, creating the Division of Minority and Women Business Development, tasking it with developing minority and women business utilization goals, based on the 1993 and 2005 disparity studies, and developing and implementing policies and programs aimed at meeting those goals through race-and gender-neutral means; and

WHEREAS, on January 23, 2024, the State released a comprehensive statewide disparity study examining public contracting opportunities for minority- and women-owned businesses between 2015 and 2020, finding statistically significant disparities in public contracting with minority- and women-owned business enterprises including, specifically, in contracting with businesses owned by Black Americans, Asian Americans, Hispanic

Americans, and women for formal prime contracts in construction, professional services, and goods and services, and for informal prime contracts across all industries studied; and

WHEREAS, the process of preparing the 2024 Disparity Study revealed significant limitations in the State's ability to access, compile, and consistently report procurement information, including the absence of a single database containing all State prime contracts, inconsistent data and reporting practices across Executive Branch departments and agencies, and no uniform statewide standard for tracking subcontract awards and payments; and

WHEREAS, business owners participating in the 2024 Disparity Study further identified perceived barriers including limited access to contracting opportunities, the lack of a centralized solicitation process, ambiguous or complicated bid requirements, inconsistent and insufficient response periods, burdensome prequalification requirements, repeated reliance on incumbent contractors, limited oversight of subcontractor utilization, and delays in payments by State entities and prime contractors; and

WHEREAS, these findings warrant a comprehensive review of the State's procurement processes, informed both by data maintained by Executive Branch departments and agencies, the experiences of businesses seeking or performing State work, and input from other businesses that are willing and able to seek public contracts but end up not doing so due to perceived barriers; and

WHEREAS, the Operational Performance Office within the Office of the Chief Operating Officer works across Executive Branch departments and agencies to improve the efficiency, accountability, transparency, and customer experience of core State government operations, including procurement; and

WHEREAS, Executive Order No. 5 (2026) separately established a Regulatory Simplification Team under the Operational Performance Office to identify outdated or burdensome regulations and recommend reforms to modernize and streamline State regulatory processes; and

WHEREAS, the Chief Diversity Officer in the Division of Purchase and Property within Treasury was established pursuant to N.J.S.A. 52:32-18.1 and monitors the State's public contracting process for the purpose of compiling information on the awarding of contracts, and the value of contracts to historically disadvantaged businesses; and

WHEREAS, given its central role in State procurement and statutory duties, Division of Purchase and Property, together with its constituent offices, including the Chief Diversity Officer, are well-positioned to lead Treasury's implementation of this Order, in coordination with the Division of Property Management & Construction and other relevant Treasury divisions; and

WHEREAS, the Office of Information Technology, under the direction of the Chief Technology Officer and pursuant to the authority set forth in N.J.S.A. 52:18A-230(b), is responsible for coordinating statewide information technology policy, planning, and the management of State information technology resources, and is therefore well-positioned to assist in evaluating procurement systems, data standards, interoperability, transparency, and modernization opportunities; and

WHEREAS, the New Jersey Innovation Authority brings expertise in digital services, process improvement, and customer experience that can support efforts to simplify procurement, improve the usability of State procurement systems, and make contracting opportunities easier for businesses to find and pursue; and

WHEREAS, successfully addressing disparities and expanding procurement access will require coordinated action across State government, direct input from businesses, and a sustained commitment to transparency, accountability, and measurable improvement;

NOW, THEREFORE, I, MIKIE SHERRILL, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. It is the policy of the State to promote procurements for all State contracts and subcontracts for construction, professional services, and goods and services in a manner that is free from discrimination, and to encourage participation of all businesses, including minority-owned, women-owned, veteran-owned, service-disabled veteran-owned, LGBTQ+-owned, and socially and economically disadvantaged business enterprises as well as small businesses in all areas of State contracting of construction, professional services, and goods and services.

2. **Definitions**. For the purposes of this Order:

a) "Covered businesses" shall mean small, minority-owned, women-owned, veteran-owned, service-disabled veteran-owned, LGBTQ+-owned, and socially and economically disadvantaged business enterprises, as those terms are defined under applicable State law.

b) "Executive Branch departments and agencies" shall mean any of the principal departments of the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other

instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

c) "Operational Performance Team" shall mean the staff of the Operational Performance Office within the Office of the Chief Operating Officer, established pursuant to Executive Order No. 4 (2026), who are responsible for working with State partners to improve government processes, including procurement modernization, customer experience, digital services, workforce, and regulatory simplification.

d) "Procurement requirement" shall mean any statute, regulation, circular, directive, policy, procedure, form, solicitation provision, prequalification standard, contractual term, technology requirement, or customary practice governing or affecting State procurement of construction, professional services, and goods and services.

e) "Regulatory Simplification Team" shall mean the team established pursuant to Executive Order No. 5 (2026) within the Operational Performance Office to identify outdated or burdensome regulations and recommend reforms to simplify State regulatory processes.

3. **Statewide Procurement Access Review.**

a) Treasury and the Operational Performance Team shall conduct a statewide Procurement Access Review.

b) The Operational Performance Team shall coordinate the review of procurement requirements, business processes, and opportunities for administrative, regulatory, and legislative reform with support from the Regulatory Simplification Team.

c) Within 30 days following the issuance of this Order, each Executive Branch department and agency shall designate a senior employee who is familiar with the department or agency's procurement practices to coordinate its compliance with this Order and the completion of the Procurement Access Review. This designation shall not require the establishment of a new position or office.

d) Within 60 days following the issuance of this Order, Treasury, in consultation with the Operational Performance Team, shall issue a standardized template for the Procurement Access Review, and instructions governing the information Executive Branch departments and agencies are required to submit pursuant to this Order.

4. **Department and Agency Submission of the Procurement Access Review Template.** Within 150 days following Treasury's issuance of the Procurement Access Review template, each Executive Branch department and agency shall submit information through the reporting template to the Chief Operating Officer and to Treasury. Using the templates submitted by each Executive Branch department and agency, the forums conducted pursuant to Section 5 of this

Order, and other information reasonably available to the Chief Operating Officer and Treasury, the Chief Operating Officer shall undertake the Procurement Access Review, which shall include but shall not be limited to an examination of the following:

a) Each Executive Branch department and agency's principal procurement methods and the systems and processes through which vendors identify contracting opportunities, register, become certified or prequalified, submit bids or proposals, execute contracts, submit invoices, and receive payment for State contracts of construction, professional services, and goods and services;

b) Summary information for the last three fiscal years preceding the effective date of this Order, from July 1, 2023, through June 30, 2026, concerning:

i. Prime-contract and subcontract awards and actual payments, including the number of distinct vendors receiving awards, participation by covered businesses, and available breakdowns by business category, procurement category or commodity code, procurement method, and contract value;

ii. For competitive solicitations, the number of solicitations issued, the average number of bids or proposals received per solicitation, and the number of solicitations receiving no responses or only one response;

iii. Solicitations canceled or reissued and the reason why the solicitation was canceled or reissued; and

iv. Awards to first-time State contractors, when such information is known to the Executive Branch department or agency.

c) How each Executive Branch department and agency records and verifies vendor certification information and tracks prime-contractor subcontracting commitments, evaluates good-faith efforts to utilize covered business subcontractors, confirms that identified subcontractors are utilized and paid, and addresses noncompliance;

d) Available measures of procurement processing times, distinguishing, where tracked, Executive Branch department and agency solicitation development, any applicable Division of Purchase and Property solicitation review and approval, the solicitation response period, evaluation and award approval, contract execution, and invoice payment, together with vendor registration, certification, and prequalification processing times;

e) Available counts or rates of vendors that began but did not complete any applicable registration, certification, prequalification, or bidding processes, together with any known reasons for noncompletion;

f) Statutory, regulatory, technological, financial, and operational barriers that may unnecessarily limit competition or impede the ability of covered

businesses to compete for and perform State contracts;

g) Material data, technology, staffing, legal, or operational limitations affecting the Executive Branch department or agency's ability to report or evaluate procurement participation and outcomes;

h) The implementation and performance of existing State programs intended to expand procurement opportunities for covered businesses;

i) The current participation of covered businesses in State procurement;

j) Material procurement requirements or practices that may unnecessarily limit competition or create disproportionate barriers for covered businesses, including opportunity notices, registration, certification, prequalification, solicitation and evaluation requirements, and contract size, structure, and bundling, cooperative purchasing, waivers, extensions, and other practices that may limit opportunities for covered businesses; and

k) Recommendations for immediate administrative and operational improvements and longer-term technological, regulatory, legislative, programmatic, or organizational reforms to broaden vendor participation, strengthen competition, improve procurement outreach and customer service, and obtain better value for the State.

5. To aid in the completion of the Procurement Access Review, the Operational Performance Team, in coordination with Treasury, shall solicit input from businesses and other external

stakeholders to inform the Procurement Access Review and shall establish the New Jersey Procurement Opportunity Forum, a statewide series of regional engagements designed to expand awareness of and access to State contracting opportunities. The first forum shall be held within 120 days following issuance of this Order. At least three regional forums shall be held within 180 days, including one each in North Jersey, Central Jersey, and South Jersey. The forums shall connect businesses with agency procurement officials, provide information on anticipated contracting opportunities and procurement processes, and obtain feedback on barriers to participation. These forums shall include targeted engagement with current, former, and prospective vendors across relevant procurement categories, including covered businesses, prime contractors, subcontractors, unsuccessful bidders, and covered businesses that have not received State contracts. Executive Branch departments and agencies shall participate and provide relevant information as directed by the Operational Performance Team. Information concerning anticipated contracting opportunities presented at the forums shall also be made publicly available. Attendance shall not be a prerequisite for competing for State contracts or confer a preference in any procurement.

6. Executive Branch departments and agencies, in coordination with Treasury and the Operational Performance Team, may identify and advance any administrative and operational improvements as findings become available, with a focus on clearer and more accessible language for solicitations, elimination of unnecessary forms, attachments, or duplicative submissions, improved communication with prospective vendors, improved tracking of subcontractor commitments, utilization, and payments, and any

other improvements that may be made consistent with applicable law. Implementation of such improvements shall not be contingent upon completion of all reports or reviews required by this Order. The Executive Branch department or agency shall advise the Chief Operating Officer of any material improvements implemented pursuant to this Section.

7. Within 210 days following the issuance of this Order, Treasury, in consultation with the Office of Information Technology and the New Jersey Innovation Authority shall:

a) Develop a portal to report Executive Branch department and agency procurement data through a standardized reporting method. The reporting method shall compile, as feasible, vendor certification and voluntary demographic information, capture of milestone dates and timestamps across procurement stages, prime contract and subcontract awards and actual payments, including the number of distinct vendors receiving awards and participation by covered businesses, the number of solicitations issued, and the average number of bids or proposals received per solicitation. Executive Branch departments and agencies are hereby directed to submit information to the portal established pursuant to this Section.

b) Evaluate and make recommendations regarding the interoperability, user friendliness, and functionality of NJSTART, NJSAVI, Legacy Search, and other financial, procurement, contract-management, and Executive Branch department and agency-specific systems and websites, including the

ease of use on these systems and websites for businesses to identify State procurement opportunities and for State and local purchasers to identify vendors.

c) Executive Branch departments and agencies shall, to the extent not inconsistent with law and within the limits of their statutory authority, cooperate with the Governor's Office Operational Performance Team, Treasury, the New Jersey Office of Information Technology, and the New Jersey Innovation Authority and provide timely assistance in implementing this Order.

8. Nothing in this Order shall be construed to alter or limit the statutory authority of any Executive Branch department or agency; require the disclosure of confidential, privileged, or legally protected information; or create a private right of action to enforce any provision of this Order or any rule, recommendation, or action developed pursuant to it. This Order shall be implemented consistent with all applicable State and federal laws and subject to the availability of appropriations.

9. The Order shall take effect immediately.

GIVEN, under my hand and seal this 18th day of November, Two Thousand and Twenty-Six, and of the Independence of the United States, the Two Hundred and Fifty-First.

[seal]

/s/ Mikie Sherrill

Governor

Attest:

/s/ Timothy P. Lydon

Chief Counsel to the Governor