

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
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**DEVAL L. PATRICK**  
GOVERNOR

**TIMOTHY P. MURRAY**  
LIEUTENANT GOVERNOR

**By His Excellency**

**DEVAL L. PATRICK**  
GOVERNOR

**EXECUTIVE ORDER NO. 519**

**ESTABLISHING THE OFFICE OF ACCESS AND OPPORTUNITY**  
**WITHIN THE EXECUTIVE OFFICE OF**  
**ADMINISTRATION AND FINANCE**

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WHEREAS, the Commonwealth is committed to creating a culture of inclusion that values and promotes non-discrimination, equal opportunity and diversity in all aspects of Commonwealth employment, business, programs, activities, and services;

WHEREAS, diversity and a culture of inclusion generally means the presence and participation of individuals irrespective of race, color, age, gender, ethnicity, sexual orientation, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or socio-economic background;

WHEREAS, historically, the Commonwealth's efforts to recruit, retain, and contract with diverse individuals and businesses have been largely decentralized, lacking a comprehensive enterprise-wide strategic plan;

WHEREAS, an effective enterprise diversity management policy requires coordinated implementation of diversity policies, programs, initiatives, structures, and strategies related to all aspects of Commonwealth work, including employment, procurement, policy and program development and implementation;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § 1, Art. I do hereby order as follows:

Section 1. This Executive Order shall apply to all state agencies in the Executive Department. As used in this Order, “state agencies” shall include all executive offices, boards, commissions, departments, divisions, councils, bureaus, offices, and other agencies now existing and hereafter established.

Section 2. There is hereby established an Office of Access and Opportunity (“Office”), which shall be located within the Executive Office for Administration and Finance. The Office shall be headed by an Assistant Secretary of Access and Opportunity (“Assistant Secretary”), who shall be appointed by and report to the Secretary for Administration and Finance with the approval of the Governor. The purpose of the Office is to promote non-discrimination and equal opportunity in all aspects of state government, including but not limited to, employment, procurement, and policy relative to state programs, services, and activities.

- (a) Responsibilities. The Assistant Secretary shall create and oversee a coordinated, strategic approach to:
  - (1) ensure non-discrimination, diversity and equal opportunity in all aspects of state employment, programs, services, activities, and decision-making, including but not limited to state contracting, including contracts for construction, design, and goods and services provided to state agencies;

- (2) review periodically the laws, regulations, policies and practices of state agencies and their effect on the ability of all persons, irrespective of race, gender, ethnicity, sexual orientation, disability, religion, national origin, or veteran status, to receive or participate in the programs, services and activities of state agencies;
  - (3) review and recommend improvements to state agency programs, activities, and services to ensure that they foster access and equal opportunity for all persons, irrespective of race, gender, ethnicity, sexual orientation, disability, religion, national origin, or veteran status;
  - (4) review and recommend improvements to state agency programs, activities, and services to foster economic opportunity for all persons;
  - (5) with the approval of the Secretary of Administration and Finance, apply for, and accept on behalf of the Commonwealth, federal, local or private grants, bequests, gifts or contributions for the purpose of carrying out the functions of the office; and
  - (6) perform such other functions that are consistent with the purposes of the Office.
- (b) Authority. Existing and proposed regulations, policies, programs, services, activities and practices of state agencies shall be subject to the advice of and guidance from the Assistant Secretary so that such regulations, policies, programs, services, activities, and practices comply with the non-discrimination, diversity and equal opportunity guidance afforded by Executive Order 478. Each state agency shall participate to the extent required in the planning and development of policy and programmatic recommendations of the Office. The Assistant Secretary may form, from time to time, such

working groups or task forces to assist with the execution of the aforementioned responsibilities of the Office.

Section 3. The Assistant Secretary is hereby authorized to convene a Goods and Services Procurement Advisory Working Group, which shall consist of the following individuals: (a) the Assistant Secretary for Access and Opportunity who shall serve as the chair of said Advisory Working Group, (b) the State Purchasing Agent or her designee, (c) the Executive Director of the State Office of Minority and Women Business Assistance or its successor agency, (d) the Executive Director of the Affirmative Marketing Program or its successor program, (e) a designee of the Secretary of Administration and Finance, and (f) any other individuals, as determined by the Assistant Secretary, involved in procurement activities within state agencies. The Procurement Advisory Working Group shall convene on at least a quarterly basis to discuss, develop and prioritize enterprise-wide goals, objectives, strategies, and recommendations to promote maximum inclusion of minority-owned businesses (including minority business enterprises (MBEs)) and women-owned businesses (including women business enterprises (WBEs)) in the procurement of goods and services.

Section 4. The Assistant Secretary is hereby authorized to convene a Construction Procurement Advisory Working Group, which shall consist of the following individuals: (a) the Assistant Secretary for Access and Opportunity who shall serve as the chair of said Advisory Working Group, (b) the Executive Director of the State Office of Minority and Women Business Assistance or its successor agency, and (c) each person responsible for MBE, WBE and disadvantaged business enterprise (DBE) participation efforts within the Department of Environmental Protection, the Division of Conservation and Recreation, the Department of Housing and Community Development, the Division of Capital Asset Management and Maintenance, and the Massachusetts Department of Transportation. The Construction Procurement Advisory Working Group shall convene on at least a quarterly basis to discuss, develop and prioritize enterprise-wide goals, objectives, strategies, and recommendations to promote maximum inclusion of minority-owned businesses (including MBEs), women-owned businesses (including WBEs), and DBEs in public construction contracts.

Section 5. The Assistant Secretary is hereby authorized to convene a Personnel Advisory Working Group, which shall consist of the following individuals: (a) the Assistant Secretary for Access and Opportunity who shall serve as the chair of said Advisory Working Group, (b) the Chief Human Resources Officer of the Commonwealth or his designee, (c) the Director of the Office of Diversity and Equal Opportunity, (d) the Director of the Massachusetts Office on Disability or her designee, (e) the Human Resources Officer of each secretariat, and (f) the Diversity Director of each secretariat. The Personnel Advisory Working Group shall convene on at least a quarterly basis to: (1) provide guidance and direction on enterprise-wide diversity priorities; (2) guide the executive branch's diversity agenda and strategic plan implementation; and (3) discuss and prioritize enterprise-wide diversity goals, objectives, strategies, and recommendations.

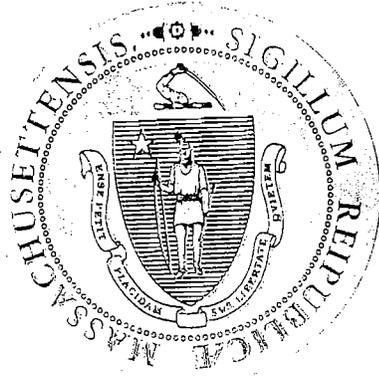
Section 6. The Assistant Secretary shall prepare an annual report in which the activities and accomplishments of the Office are identified. Said annual report shall be prepared and submitted to the Secretary of Administration and Finance and the Governor not later than 60 days after the end of the preceding fiscal year.

Section 7. All state agencies under the Governor's jurisdiction shall cooperate with, and provide assistance and support to the Assistant Secretary. The Assistant Secretary may also be directed by the Governor or the Secretary of Administration and Finance to participate in other commissions, panels, cabinets, and initiatives as deemed appropriate.

Section 8. The Assistant Secretary shall serve as a liaison to the following commissions/councils: the Governor's Asian-American Commission, the Governor's Advisory Council on Refugees and Immigrants, the Governor's Latino-American Advisory Commission, the Governor's African-American Advisory Commission, and the Governor's Non-discrimination, Diversity and Equal Opportunity Advisory Council (collectively "the Commissions"). The Assistant Secretary is hereby authorized to convene meetings of the Commissions; provided that such meetings shall consist only of the chair and/or co-chairs of each of the Commissions.

Section 9. This Executive Order shall take effect immediately and shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.

Given at the Executive Chamber in Boston this 28<sup>th</sup> day of January in the year of our Lord two thousand and ten, and of the Independence of the United States of America two hundred and thirty-four.



  
DEVAL L. PATRICK  
GOVERNOR  
Commonwealth of Massachusetts



WILLIAM FRANCIS GALVIN  
Secretary of the Commonwealth

**GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS**