

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER _____ 26-17 _____

**FOR: SUSPENDING OPERATIONS OF THE SUPPLIER DIVERSITY
PROGRAM AND THE CREATION OF THE INDIANA SMALL BUSINESS
PROGRAM**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Indiana Code ch. 4-13-16.5 established the State of Indiana’s Supplier Diversity Program, including the Minority and Women’s Business Enterprises Program and the Governor’s Commission on Supplier Diversity, and charges the Indiana Department of Administration (“IDOA”), through the direction of the Office of Management and Budget (“OMB”), with administering certification, compliance, and related procurement preferences;

WHEREAS, Article V, § 1 and 16 of the Indiana Constitution vest executive power in the Governor, requiring him to ensure the faithful execution of the laws, and Article XV § 4 further obligates him to swear an oath to support both the Indiana Constitution and the Constitution of the United States as the supreme law of the land;

WHEREAS, Executive Order 25-14 requires the executive branch of Indiana to pursue all efforts for compliance with the decision of the United States Supreme Court in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 143 S.Ct. 2141 (June 29, 2023);

WHEREAS, recent legal analyses, including Indiana Attorney General Official Opinion 2026-3 from the Office of the Indiana Attorney General, clearly concludes that the Supplier Diversity Program is inconsistent with state and federal constitutional requirements, including Equal Protection principles;

WHEREAS, the Governor has the authority to decline to execute or implement a statute that is clearly unconstitutional, especially when continued enforcement would result in egregious infringement of individuals’ constitutional rights, and, in such cases, is justified in directing the discontinuation of the statute’s unlawful aspects;

WHEREAS, recognition that there are opportunities for Indiana to emphasize the growth and performance of Indiana’s small businesses, the Governor finds that an orderly suspension of the current Supplier Diversity Program and an exchange for a more effective program will be in the best interest of the State and its business partners;

WHEREAS, Executive Order 05-05 established the Buy Indiana presumption and directed IDOA to increase state procurement from Indiana businesses to ninety percent of total state purchasing;

WHEREAS, Indiana’s small businesses provide a substantial positive economic impact by employing large numbers of Hoosiers, generating payroll and tax revenues, and serving as a cornerstone of statewide commercial development and long term job growth; and

WHEREAS, an Indiana Small Business Program will strengthen procurement opportunities, increase competition, promote statewide economic growth, and provide a

transition for eligible businesses formerly certified under the Supplier Diversity Program.

NOW, THEREFORE, I, MIKE BRAUN, by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order the following:

1. The Supplier Diversity Program is suspended, effective immediately. This suspension shall include IDOA's administration of certification activities. No new certifications or recertifications shall be issued. This Executive Order suspends all pending and active certifications.
2. All existing state contracts, including those containing minority or women-owned business participation commitments, shall remain in full force and effect, and agencies shall continue to administer and enforce such contracts pursuant to their terms. Nothing in this Executive Order shall be construed to impair vested contractual rights.
3. IDOA, through the direction of OMB, shall immediately update procurement templates, evaluation guidance, and materials to remove supplier diversity commitment references for solicitations issued as of the date of this suspension.
4. Solicitations currently under evaluation shall be amended, reissued, or rescored consistent with this Executive Order and as determined necessary by IDOA to ensure fair competition. This Executive Order does not apply to preliminary solicitation awards as of the date of this directive or subsequent contracts in negotiations.
5. This Executive Order has no effect on Indiana Veteran Owned Business certifications or the inclusion of such preference points in state solicitations or contract opportunities.
6. The Indiana Small Business Program is hereby created within IDOA to promote and facilitate the use of qualified Indiana small businesses in state procurement.
7. OMB, alongside the agencies within the vertical, and in collaboration with IEDC, shall, by October 1st, 2026, develop procurement policies and procedures that will promote and facilitate the use of Indiana small businesses in the Indiana Small Business Program.
8. In particular, the Indiana Small Business Program shall enable qualified Indiana small businesses to submit applications to IDOA for the purpose of being designated as an Indiana small business. The Indiana Small Business Program shall enhance and expand the existing Buy Indiana contractor preference to include eligible Indiana small business prime and subcontractors in the evaluation of requests for proposals for the procurement of goods and services.
9. OMB shall recommend to the Governor annual goals for State expenditures with designated Indiana small business prime and subcontractors.
10. The policies and procedures for the Indiana Small Business Program shall include, in part, provisions regarding the denial and revocation of applications for designation, the reporting requirements of designated Indiana small businesses, and sanctions for violations.
11. This Executive Order shall not be deemed to authorize any state agency, as defined in Indiana Code § 4-13-1-1, to conduct its purchasing functions in a manner contrary to applicable law, nor shall it create any right or benefit, substantive or procedural, enforceable at law or equity by any person against the State, its agencies or instrumentalities, its officers or employees, or any other person.
12. This Executive Order shall not apply to the procurement of supplies or services to address immediate and serious government needs at a time of emergency, including without limitation, a threat to public health, welfare, or safety, such as may arise by reason of floods, epidemics, riots, acts of terrorism, major power failures, or such other threat as may be proclaimed by the Governor or determined by the Commissioner of IDOA.

13. All state agencies shall cooperate fully with IDOA in carrying out this Executive Order and shall adjust procurement processes and documentation as necessary to ensure statewide consistency.



IN TESTIMONY WHEREOF,

I, Mike Braun, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 14th day of July, 2026.

Mike Braun

Mike Braun
Governor of Indiana

Diego Morales

ATTEST: Diego Morales
Secretary of State