

Governor John Bel Edwards recently issued Executive Order JBE 18-15, "Relating to the Prohibition of Discriminatory Boycotts of Israel in State Procurement."
<http://gov.louisiana.gov/assets/ExecutiveOrders/JBE-18-15.pdf>

The Order directs that Executive Branch agencies may not execute a procurement contract with a vendor if that vendor is engaging in a boycott of Israel. Further, agencies shall reserve the right to terminate any such contract if a boycott occurs during the contract term. In order to comply with the Order, agencies must include additional anti-discrimination language in those contracts and RFPs with a term extending past June 30, 2018.

The Executive Order applies to all contracts exceeding \$100,000, with vendors with five or more employees, unless otherwise exempted by the Commissioner of Administration, in accordance with the Executive Order. Requests for waivers shall be submitted to the Office of State Procurement.

Contracts which are already out for signature can be revised by including an additional page/addendum which is initialed and dated by both parties, before submitting to OSP. Alternately, agencies can issue a formal amendment including this language as soon as practicable, and submit to OSP.

Please see below for the required language. (Please be aware that contract templates on OSP's website will be updated in early July 2018, with this language as well as other recommended changes.)

Additional clause for contracts:

Prohibition of Discriminatory Boycotts of Israel

In accordance with Executive Order Number JBE 2018-15, effective May 22, 2018, for any contract for \$100,000 or more and for any contractor with five or more employees, Contractor, or any Subcontractor, hereby certifies it is not engaging in a boycott of Israel, and shall, for the duration of this contract, refrain from a boycott of Israel.

The State reserves the right to terminate this contract if the Contractor, or any Subcontractor, engages in a boycott of Israel during the term of the contract.

Additional clause for RFPs:

Prohibition of Discriminatory Boycotts of Israel

In preparing its response, the Proposer has considered all proposals submitted from qualified, potential subcontractors and suppliers, and has not, in the solicitation, selection, or commercial treatment of any subcontractor or supplier, refused to transact or terminated business activities, or taken other actions intended to limit commercial relations, with a person or entity that is engaging in commercial transactions in Israel or Israeli-controlled territories, with the specific intent to accomplish a boycott or divestment of Israel. Proposer also has not retaliated against any person or other entity for reporting such refusal, termination, or commercially limiting actions. The State reserves the right to reject the response of the proposer if this certification is subsequently determined to be false, and to terminate any contract awarded based on such a false response.

Additional clause for RFP Certification Statement:

9. Proposer certifies and agrees that the following information is correct: In preparing its response, the Proposer has considered all proposals submitted from qualified, potential subcontractors and suppliers, and has not, in the solicitation, selection, or commercial treatment of any subcontractor or supplier, refused to transact or terminated business activities, or taken other actions intended to limit commercial relations, with a person or entity that is engaging in commercial transactions in Israel or Israeli-controlled territories, with the specific intent to accomplish a boycott or divestment of Israel. Proposer also has not retaliated against any person or other entity for reporting such refusal, termination, or commercially limiting actions. The State reserves the right to reject the response of the proposer if this certification is subsequently determined to be false, and to terminate any contract awarded based on such a false response.

For any questions, please contact OSP-PC at 225-342-8010 or the OSP PC Help Desk: DOA-PC_HELP_DESK@la.gov