



The State of Maryland

Executive Department

EXECUTIVE ORDER
01.01.2017.25

Prohibiting Discriminatory Boycotts of Israel in State Procurement

- WHEREAS, The State of Maryland and Israel have executed a Declaration of Cooperation that has, for more than two decades, enabled the successful exchange of commerce, culture, technology, tourism, trade, economic development, scholarly inquiry, and academic research;
- WHEREAS, These accomplishments have helped generate millions of dollars of investment and substantial job creation in the State;
- WHEREAS, The cooperation between Israel and the State has produced notable achievements in medicine, healthcare, and biotechnology that have benefitted the State;
- WHEREAS, The collaboration between Israel and the State has produced important enhancements to the cyber, homeland, and national security of the State;
- WHEREAS, Boycotts of people or entities because of their Israeli national origin, or residence or incorporation in Israel and its territories, undermines the Declaration of Cooperation;
- WHEREAS, It is the public policy of the United States, as enshrined in several federal laws, to oppose certain boycotts of Israel;
- WHEREAS, The termination of or refusal to transact business activities with people or entities because of their Israeli national origin, or residence or incorporation in Israel and its territories, is not a commercial decision made for business or economic reasons;
- WHEREAS, Business entities that employ such unsound business practices therefore have impaired commercial viability and provide less job security to their employees;

WHEREAS, Such business entities pose undue risks as contracting partners and may not provide the best possible products or services to the State;

WHEREAS, The State has a longstanding and broad policy to refrain from contracting with business entities that unlawfully discriminate in the solicitation, selection, hiring, or commercial treatment of vendors, supplies, subcontractors, or commercial customers;

WHEREAS, Boycotts based on religion, national origin, ethnicity, or residence are discriminatory; and

WHEREAS, Contracting with business entities that discriminate makes the State a passive participant in private-sector commercial discrimination;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. The following words have the meanings indicated:

- 1. “Boycott of Israel” means the termination of or refusal to transact business activities, or other actions intended to limit commercial relations, with a person or entity because of its Israeli national origin, or residence or incorporation in Israel and its territories. “Boycott of Israel” does not include actions taken:
 - i. that are not commercial in nature;
 - ii. for business or economic reasons;
 - iii. because of the specific conduct of the person or entity;
 - iv. against a public or governmental entity; or
 - v. that are forbidden by the United States pursuant to 50 U.S.C. § 4607.
- 2. “Business entity” means any receiver, trustee, guardian, representative, fiduciary, partnership, firm, association, corporation, sole proprietorship, or company, including any bank, credit union, broker, developer, consultant, contractor, supplier, or vendor, individually or in any combination, that has submitted a

bid or proposal for, has been selected to engage in, or is engaged in providing goods or services to the State.

3. “Commercial relations” means a business entity’s conduct of business, and the terms and conditions by which business is transacted, with a vendor, supplier, subcontractor, or other business entity.
4. “Contract” means an agreement by or on behalf of the State for a business entity to sell or lease supplies or goods, or to provide services, to the State in return for a fee, or any other form of compensation to be paid or provided by the State.
5. “Executive agency” means a State department, agency, authority, board, or instrumentality that is controlled by the Governor.
6. “Services” includes construction, real-estate development, financial management, insurance, and professional support.

B. Executive agencies may not execute a procurement contract with a business entity unless it certifies, in writing when the bid is submitted or the contract is renewed, that:

1. it is not engaging in a boycott of Israel; and
2. it will, for the duration of its contractual obligations, refrain from a boycott of Israel.

C. All requests for bids or proposals issued for contracts with Executive agencies shall include the text of the following certification to be completed by the bidder: “The undersigned bidder hereby certifies and agrees that the following information is correct: In preparing its bid on this project, the bidder has considered all proposals submitted from qualified, potential subcontractors and suppliers, and has not, in the solicitation, selection, or commercial treatment of any subcontractor, vendor, or supplier, refused to transact or terminated business activities, or taken other actions intended to limit commercial relations, with a person or entity on the basis of Israeli national origin, or residence or incorporation in Israel and its territories. The bidder also has not retaliated against any person or other entity for reporting such refusal, termination, or commercially limiting actions. Without limiting any other provision of the solicitation for bids for this project, it is understood and agreed that, if this certification is false, such false certification will

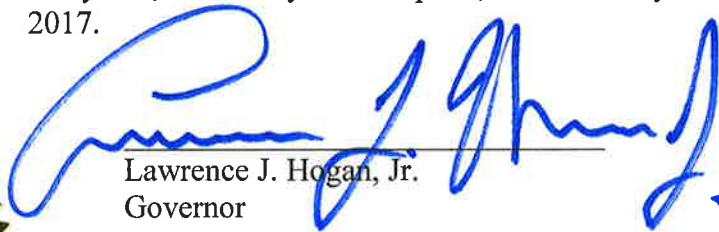
constitute grounds for the State to reject the bid submitted by the bidder on this project, and terminate any contract awarded based on the bid.”

D. All Executive agencies shall implement this Executive Order in a manner consistent with the important public policy favoring advancement of women- and minority-owned businesses as set forth in Title 14, Subtitle 3, of the State Finance & Procurement Article of the Code of Maryland and related regulations.

E. All Executive agencies shall implement this Executive Order in a manner that is consistent with all applicable statutes and regulations. Nothing in this Executive Order shall operate to contravene any State or federal law or to affect the State’s receipt of federal funding.

F. If any provision of this Executive Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Executive Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are severable.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 23rd Day of October 2017.



Lawrence J. Hogan, Jr.
Governor



ATTEST:



John C. Wobensmith
Secretary of State