

**EXECUTIVE ORDERS ON OFFSHORE OUTSOURCING
ISSUED IN OTHER STATES**

State	Number	Brief Description of Executive Order
Alaska	AO 216 (2004)	<p>Directs the Chief Procurement Officer to:</p> <ul style="list-style-type: none"> ▪ Develop and implement policies addressing the consideration of the use of workers in the U.S. to perform state contracts; ▪ Amend future solicitations and contracts to require vendors, including subcontractors, to certify the country in which the services will be performed; and ▪ Develop criteria as to when provision of state services outside the U.S. is appropriate and in the state's best interest.
Michigan	ED 2004-3 (2004)	<p>Directs the Michigan Department of Management and Budget to adopt policies to provide a purchasing preference for products or services from Michigan firms.</p> <p>Directs the Department, in determining whether the contract for goods or services is in the best interests of the state, to consider:</p> <ul style="list-style-type: none"> ▪ Whether providing certain goods or services from locations outside of Michigan or the U.S. would be detrimental to the state, its residents, or the state's economy; ▪ Whether providing services from such locations would be detrimental to privacy interests or risk disclosure of personal information; and ▪ Whether providing services from such locations would constitute undue risk under risk management policies. <p>Authorizes the Department to require vendors to:</p> <ul style="list-style-type: none"> ▪ Provide information on the location of work performed by vendors and subcontractors; ▪ Provide notice of the relocation of vendors and any subcontractors outside of Michigan or the U.S.; and ▪ Disclose to inbound callers the location from which call or contact center services are being provided. <p>Provides for debarment of vendors in specified circumstances.</p>

State	Number	Brief Description of Executive Order
Minnesota	EO 04-02 (2004)	<p>Requires the Minnesota Commissioner of Administration to develop and implement policies addressing the consideration of the use of workers in the U.S. to perform services in determining the “best value” for awarding state contracts.</p> <p>Directs the Commissioner to develop procedures to ensure that vendors seeking to contract for services disclose and certify:</p> <ul style="list-style-type: none"> ▪ The location by state and country where services will be performed; ▪ Any subcontracting of services and the location where subcontracted services will be performed; and ▪ That, during the term of the contract, the country in which services are performed will not be changed without written consent. <p>Requires the Commissioner to report to the Governor regarding the use of workers in foreign countries to provide services under state contracts on or before December 31, 2004.</p>
Missouri	EO 04-09 (2004)	<p>Orders vendors submitting bids to certify the location where the contracted services are to be performed, and whether they contemplate any work being performed offshore.</p> <p>Orders the Missouri Office of Administration to direct current contractors to disclose whether work is being performed offshore.</p> <p>Specifies that, if contractors certify that work will be performed in the U.S. and then shift work outside the U.S., the contractors are deemed to be in breach of contract (unless the Office determined otherwise).</p> <p>Prohibits state agencies from awarding contracts to vendors who contemplate performing work, or having subcontractors perform work, at sites outside the U.S., or to vendors who do not provide required disclosures, unless certain conditions are met.</p>

State	Number	Brief Description of Executive Order
New Jersey	EO 129 (2004)	<p>Directs state agencies to develop policies that vendors contracting to provide services must disclose the location by country where services will be performed, and the location by country where any subcontracting of services will be performed.</p> <p>Prohibits the state from awarding contracts to vendors that do not disclose such information.</p> <p>Prohibits the state from awarding contracts to vendors that propose to perform services outside the U.S. unless: the service is unique; a failure to use the vendor's services would result in economic hardship to the state; or a failure to use the vendor's services would be inconsistent with the public interest.</p> <p>Specifies that, if contractors declare that service will be performed in the U.S. and then shift services outside of the U.S., they will be deemed in breach of contract unless the state determined that extraordinary circumstances require the shift or that a failure to shift would have resulted in economic hardship.</p>
North Carolina	ED No. 60 (2004)	<p>Orders the North Carolina Secretary of Administration and the State Chief Information Officer to adopt policies to address the use of state contracts that will be performed totally or partially offshore. Specifies that these policies include:</p> <ul style="list-style-type: none"> ▪ That RFPs specify that: the vendor detail the manner in which it intends to utilize resources or workers located outside the U.S.; the state will evaluate the risks, costs and other factors associated with such utilization to make the award in the state's best interest; and if the contractor wishes to outsource any portion of the work to a location outside the U.S., prior written approval must be obtained. ▪ That certain agencies require of vendors certain information (e.g., the location of work performed under a state contract by the vendor and any subcontractors, notice of the relocation of the vendor or any subcontractors outside the U.S., and a requirement that the vendor or any subcontractors providing call or contact center services disclose to inbound callers the location from which the call or contact center services are being provided). ▪ That certain agencies may debar vendors that refuse to disclose or falsify such information.

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