

**MEMORANDUM**

TO: ALL CABINET AGENCY DIRECTORS, EXECUTIVE DIRECTORS, AGENCY PROCUREMENT OFFICERS,  
CHIEF INFORMATION OFFICERS, CHIEF FINANCIAL OFFICERS, CHIEF LEGAL COUNSELS

FROM: HUGH QUILL  
DIRECTOR, DEPARTMENT OF ADMINISTRATIVE SERVICES

TERRY TYLER  
OHIO CHIEF PROCUREMENT OFFICER, DEPARTMENT OF ADMINISTRATIVE SERVICES

DATE: AUGUST 20, 2010

RE: IMPLEMENTATION OF EXECUTIVE ORDER 2010-09S:  
BANNING THE EXPENDITURE OF PUBLIC FUNDS FOR OFFSHORE SERVICES

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On August 6, 2010, Governor Ted Strickland issued Executive Order 2010-09S “Banning the Expenditures of Public Funds for Offshore Services”. The Executive Order prohibits the use of any funds within the control of an executive agency to purchase services which will be provided outside of the United States. **The Executive Order became effective on August 6, 2010, requiring all agency compliance beginning on that date.**

Under the Executive Order, Governor Strickland requires the Department of Administrative Services (DAS), through Ohio’s Chief Procurement Officer, to have in place, by August 31, 2010, procedures and language modifications to ensure all executive agencies comply with the Executive Order. All executive agencies are required to make several adjustments to their current procedures to ensure compliance with the Executive Order. These adjustments must be made in accordance with the procedures and applicable documents provided by DAS.

All of the documents are attached and available on the DAS State Procurement’s Help & Reference page at <http://procure.ohio.gov/proc/help.asp>. Under “Procurement Reference Materials,” see [Executive Order 2010-09S](#). The documents are:

- Standard Affirmation and Disclosure Form
- Standard Terms and Conditions
- Frequently Asked Questions
- Training Schedule
- Agency Affirmation Statement

The procedures are provided below. Agency Procurement Officers (APOs), or any other person with equivalent duties at each executive agency (e.g., a Chief Information Officer, a Chief Financial Officer and/or a Chief Legal Counsel), must ensure that the following procedures are fully implemented and carried out by any individual responsible for the contract for services. Where reference is made to APOs, the procedure is intended also to apply to other individuals with equivalent duties.

If any individual at the agency is responsible for contracts for services is currently processing a contract, and has not completed all of the steps provided below, the individual must take steps to ensure that she or he understands the requirements under the Executive Order and those provided by DAS. All of the requirements apply even if the individual has not completed all of the steps for training, reviewing materials, and other procedures outlined below.

**1. Require Each Bidder/Offeror to Complete a Standard Affirmation and Disclosure Form as Part of the Bidder's/Offeror's Response.**

APOs must supply each bidder/offeror with the Standard Affirmation and Disclosure Form provided by DAS. APOs must require the bidder/offeror complete this Standard Affirmation and Disclosure Form as part of the bidder's response. This form must not be modified unless prior approval is given by DAS.

**2. Add the Standard Terms and Conditions Language into the Agency's Bid Request Affirmation Form. The Contractor Must Complete It.**

APOs must add the Standard Terms and Conditions language provided by DAS into their bid request documents. These provisions must not be modified unless prior approval is given by DAS.

**3. Update All Procurement Manuals, Directives, Policies and Procedures to Reflect the Requirements of the Executive Order.**

APOs must establish a process for reviewing and updating all procurement manuals, policies and procedures to reflect the Executive Order and procedures and language modifications required under the Executive Order. All updates must be made as soon as possible, but not later than August 31, 2010.

**4. Read the Frequently Asked Questions (FAQs). Call DAS if You Have Questions.**

The FAQs document was prepared to answer some questions that have arisen. This document will be updated as necessary; any updates will be made available on the DAS website. APOs must read the FAQs document provided by DAS.

**5. Attend A Required Training and Confirm Your Attendance.**

APOs must attend one of the four training sessions provided by DAS. The trainings are provided to educate agency personnel about the Executive Order and requirements and procedures necessary to comply with the Order. The training sessions begin on August 31st and run through September 28th. Each session will last no more than 90 minutes. APOs must complete training by September 28th. All APOs must attend an in-person training session unless the APO's employment location is out of town. The training schedule is provided, and APOs can use the links below to register for one of the training sessions.

**TRAINING SESSION SCHEDULE**

<b>Training Date</b>	<b>Time</b>	<b>Location</b>	<b>Type of Session</b>
Aug. 31, 2010	3:00 PM	General Services Division, 4200 Surface Rd., Willow/Walnut Room, Columbus, OH 43228	Webinar & Live Session
Sept. 14, 2010	9:00 AM	Riffe Center, 77 S. High Street, 31 <sup>st</sup> Floor, Room South B & C Columbus, OH 43215	Live Session
Sept. 21, 2010	11:00 AM	General Services Division, 4200 Surface Rd., Willow/Walnut Room, Columbus, OH 43228	Webinar & Live Session
Sept. 28, 2010	9:00 AM	Rhodes Tower, 30 E. Broad St., Lobby Hearing Room, Columbus, OH 43215	Live Session

Register for one of four live sessions here:

[https://www.surveymonkey.com/s/Executive\\_Order\\_2010-09S\\_Training](https://www.surveymonkey.com/s/Executive_Order_2010-09S_Training)

Register for the Aug. 31<sup>st</sup> webinar here:

<https://www2.gotomeeting.com/register/970537675>

Register for the Sept. 21<sup>st</sup> webinar here:

<https://www2.gotomeeting.com/register/854928187>

**6. Agencies Must Establish and Implement Procedures to Ensure New APOs are Trained and the Requirements of the Executive Order and Procedures Provided by DAS are Completed.**

DAS is aware that personnel transitions and attrition can contribute to a loss of continuity in the implementation of the Executive Order. APOs must establish and implement procedures that account for personnel transitions and attrition. Procedures must include, but are not limited to:

- Requiring any new APO to sign the Agency Affirmation Statement and acknowledge that each requirement under the Executive Order has been completed. The APO must return the signed Agency Affirmation Statement within 15 days of the date of hire.
- Requiring any new APO or individuals with equivalent duties to attend a training provided by DAS. Training must be completed within 45 days of the date of hire.

Procedures must be in place by August 27, 2010.

**7. Affirm Your Agency's Compliance with the Executive Order.**

Directors, Executive Directors, and APOs must sign the Agency Affirmation Statement provided by DAS. By signing the Agency Affirmation Statement, individuals attest that the agency has taken specific actions to ensure that the requirements under the Executive Order and the procedures provided by DAS have been or will be completed.

Terry Tyler, Ohio's Chief Procurement Officer, must receive the signed Agency Affirmation Statement by August 27, 2010. The Affirmation Statement may be sent (by mail and via e-mail using a pdf) to the following address:

Terry Tyler, Chief Procurement Officer  
Ohio DAS – Office of Procurement Services  
4200 Surface Road  
Columbus, OH 43228  
Email: [terry.tyler@das.ohio.gov](mailto:terry.tyler@das.ohio.gov)

DAS knows that each agency is committed to ensuring that the requirements of the Executive Order are fully carried out. It is in this spirit that DAS welcomes any questions or concerns you may have regarding the implementation of the Executive Order. Thank you, in advance, for your immediate attention to this issue.