Executive Order 2011-12K

Governing the Expenditure
of Public Funds for Offshore Services

WHEREAS, State of Ohio officials and employees must remain passionately focused on
initiatives that will create and retain jobs in the United States in general and in Ohio in particular,
and must do so especially during Ohio's continuing efforts to recover from the recent recession.

WHEREAS, allowing public funds to pay for services provided offshore has the
potential to undermine economic development objectives in Ohio.

WHEREAS, the expenditure of public funds for services provided offshore may deprive
Ohioans and other Americans of critical employment opportunities and may also undermine
efforts to attract businesses to Ohio and retain them in Ohio, initiatives in which this State has
invested heavily.

NOW THEREFORE, I, John R. Kasich, Governor of the State of Ohio, by virtue of the
authority vested in me by the Constitution and the laws of this State, do hereby order and direct
that:

1. No State Cabinet Agency, Board or Commission ("Executive Agency") shall enter
into any contract which uses any public funds within its control to purchase services
which will be provided outside the United States. This Executive Order applies to all
purchases of services made directly by an Executive Agency and services provided by
subcontractors of those providing services purchased by an Executive Agency.

2. This Executive Order will be personally provided, by the Director, Chair or other
chief executive official of each Executive Agency, to the Chief Procurement Officer
or other individual at that entity responsible for contracts for services.

3. The Department of Administrative Services, through Ohio's Chief Procurement
Officer, shall have in place, by July 1, 2011, procedures to ensure all of the following:

   a. All agency procurements officers (APOs), or the person with equivalent duties
      at each Executive Agency, have standard language in all Executive Agency
      contracts which:

      i. Reflect this Order's prohibition on the purchase of offshore services.
ii. Require service providers or prospective service providers to:

1. Affirm that they understand and will abide by the requirements of this Order.
2. Disclose the location(s) where all services will be performed by any contractor or subcontractor.
3. Disclose the locations(s) where any state data associated with any of the services they are providing, or seek to provide, will be accessed, tested, maintained, backed-up or stored.
4. Disclose any shift in the location of any services being provided by the contractor or any subcontractor.
5. Disclose the principal location of business for the contractor and all subcontractors who are supplying services to the state under the proposed contracts.

b. All APOs confirm that all quotations, statements of work, and other such proposals for services affirm this Order’s prohibition on the purchase of offshore services and include all of this Order’s disclosure requirements.

   i. Any such proposal for services lacking the affirmation and disclosure requirements of this Order will not be considered.

   ii. Any such proposal where the performance of services is proposed to be provided at a location outside the United States by the contractor or any subcontractor will not be considered.

c. All procurement manuals, directive, policies, and procedures reflect the requirements of this Order.

d. All APOs have adequate training which addresses the terms of this Order.

4. Nothing in this Order is intended to contradict any state or federal law. In addition, this Order does not apply to:

   a. Services necessary to support the efforts of the Department of Development to attract jobs and business to the state of Ohio;

   b. Academic, instructional, educational, research or other services necessary to support the international missions of Ohio’s public colleges and universities;

   c. Situations in which the Director of the Department of Administrative Services, or the Director’s designee, shall determine that it is an emergency or that it is necessary for the State to waive some or all of the requirements of this Order. The Director shall establish standards by which Executive Agencies may request a waiver of some or all of the requirements of this Order and by which such requests will be evaluated and may be granted.

5. Executive Order 2010-09S is hereby rescinded.
I signed this Executive Order on June 21, 2011 in Columbus, Ohio and it will expire on my last day as Governor of Ohio unless rescinded before then.

John R. Kasich, Governor

ATTEST:

Jon Husted, Secretary of State