STATE OF COLORADO

OFFICE OF THE GOVERNOR
136 State Capitol Building
Denver, Colorado 80203
(303) 866 - 2471
(303) 866 - 2003 fax

Bill Ritter, Jr.
Governor

D 027 09

EXECUTIVE ORDER

Directing State Agencies to Adhere to the Buy American Provisions of the American Recovery and Reinvestment Act to the Maximum Extent Possible

Pursuant to the authority vested in the Governor of the State of Colorado, I, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order directing state agencies to adhere to the Buy American provisions of the American Recovery and Reinvestment Act to the maximum extent possible and to request that the Governor's Office of Economic Recovery post waivers to this provision on the website www.colorado.gov/recovery.

I. Background and Purpose

On February 17, 2009, President Barack Obama signed the American Recovery and Reinvestment Act of 2009 ("ARRA") into law. The ARRA provides funding for education, health care and human services, employment and workforce training, business and economic development, transportation, energy programs, programs related to the environment and natural resources, housing, public safety, and telecommunications. The law requires that the "Buy American" provision be applied in a manner consistent with U.S. obligations under international agreements. The overarching goal of ARRA is to support vulnerable citizens and stabilize communities while pushing the economy forward and creating jobs. To further this goal, section 1605 of ARRA (the "Buy American provision") requires the purchase of iron, steel, and manufactured products produced in the United States. To more completely meet the goals of ARRA, this Executive Order gives direction to state agencies on compliance with the Buy American provision and requires greater transparency with respect to who is requesting a waiver from the Buy American requirements.

II. Directives

A. Consistent with the requirements of ARRA, all state agencies engaged in projects using ARRA funds must purchase American products and services to the extent such purchases are possible and prudent. The law requires that the "Buy American" provision to be applied in a manner consistent with U.S. obligations under international agreements.

B. All state agencies engaged in projects using ARRA funds must include a provision in all contracts requiring compliance with the Buy American provision contained in ARRA.

C. In the interest of transparency and accountability, all state agencies that initiate or receive a request for a waiver from the Buy American requirements found in ARRA will be responsible for posting the request for a waiver on the State's recovery website (www.colorado.gov/recovery) at the time the request for the waiver is made.

III. Duration

This Executive Order shall be effective January 1, 2010, and shall remain in force until December 31, 2011, unless extended, modified, or rescinded by future Executive Order of the Governor.

GIVEN under my hand and the Executive Seal of the State of Colorado this sixteenth day of December, 2009.

Bill Ritter, Jr.
Governor