

## SPO Alert: Israel Boycott Divestments

Date: October 3, 2019  
To: State Agencies, Boards, Commissions, and all SPO Staff  
From: SPO Compliance Team  
RE: Israel Boycott Divestments

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Senate Bill 1167, which amends A.R.S. §§35-393 *et seq.* (Israel Boycott Divestments laws), was signed by the Governor on April 16, 2019, and became effective on August 27, 2019. The injunction in *Jordahl v. Brnovich*, 336 F.Supp.3d 1016 (D.Ariz. 2018) that barred the State from enforcing the Israel Boycott Divestments laws was stayed by the United States Court of Appeals for the Ninth Circuit on September 20, 2019, which means the State must now comply with Israel Boycott Divestments laws.

In compliance with the Israel Boycott Divestments laws, the Participation in Boycott of Israel certification (revised SPO Form 205– Participation in Boycott of Israel) is a required form and therefore the following apply:

1. All new and current formal solicitations must include revised SPO Form 205 as an attachment. This attachment is a mandatory part of the offer and offerors will be evaluated based on their response. If a current solicitation may no longer be amended, the resultant contract must be amended afterward (see attached).
2. If SPO Form 205 is an attachment to a current solicitation, the solicitation must be amended to include the revised SPO Form 205, to ensure compliance with the Israel Boycott Divestments laws as amended. If the solicitation may no longer be amended, vendors and procurement officers should be notified that revised SPO Form 205 is a mandatory part of the offer, and offerors will be evaluated based on their response.
3. Current, fully executed State contracts do **not** need to be amended to include revised SPO Form 205.
4. The amended legislation does **not** apply to the following:
  - a. Solicitations or contracts with a value less than \$100,000.
  - b. Contracts with companies that are sole proprietorships, non-profits, or that have fewer than ten (10) employees, based on the amended definition of "Company" in A.R.S. §35-393.
5. All new State contracts with an estimated value of \$100,000 or more should include either SPO Form 205 or a statement such as the following: "If Contractor is a Company as defined in A.R.S. §35-393, Contractor warrants it is not currently engaged in a boycott of Israel as described A.R.S. §§ 35-393 *et seq.* and will refrain from any such boycott for the duration of this Contract."

This announcement will be posted to the SPO website. If further changes or clarification is needed, a new SPO Alert will be sent.

Arizona State Procurement Office