

In accordance with Idaho law, the district will ensure that all contracts it enters into for the purchase of goods, services, supplies, information technology, or construction include appropriate certifications as may be required by law.

COMPANIES BOYCOTTING ISRAEL

For all contracts with (a) a total potential value of \$100,000 or more; and (b) a company that employs ten (10) or more people, executed on or after July 1, 2021, the board will not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently engaged in, and will not for the duration of the contract engage in, a boycott of goods or services from Israel or territories under its control. For purposes of this policy, the terms “boycott Israel” or “boycott of the state of Israel,” and “company” shall have the meanings set forth in Idaho Code §67-2346(3).

Upon discovering that a contract fails to comply with this policy, the board will have a period of ninety (90) days to obtain the necessary certification. After such time, any contract continuing to violate the provisions of the Anti-Boycott Against Israel Act shall be void as against public policy.

COMPANIES OWNED OR OPERATED BY THE GOVERNMENT OF CHINA

For contracts entered into after July 1, 2023, the board will not enter into a contract to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently owned or operated by the government of China and will not for the duration of the contract be owned or operated by the government of China. For purposes of this policy, “government of China” and “company” shall have the meanings set forth in Idaho Code §67-2359(2).

Upon discovering that a contract fails to comply with this policy, the board will have a period of ninety (90) days to obtain the necessary certification. After such time, any contract continuing to violate Idaho Code §67-2359 shall be void as against public policy. Any contract executed prior to July 1, 2023 that violates the law will not be renewed.

COMPANIES BOYCOTTING CERTAIN SECTORS

For contracts entered into after July 1, 2024, the board will ensure that contracts for the purchase of goods or services include a written certification from the company that it is not currently engaged in, and will not for the duration of the contract engage in, a boycott of any individual or company because the individual or company:

1. Engages in or supports the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, minerals, hydroelectric power, nuclear energy, or agriculture; or

2. Engages in or supports the manufacture, distribution, sale, or use of firearms, as defined in Idaho Code §18-3302(2)(d).

The certification requirement only applies to a contract that is (a) between the district and a company with ten (10) or more employees; and (b) has a value of one hundred thousand dollars (\$100,000) or more that is to be paid wholly or partly from public funds of the district.

The certification will not apply where the board of trustees determines that the certification requirements are inconsistent with the district’s constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds. The certification requirement will also not apply where the board of trustees determines that the certification requirement would be, with respect to a specific contract, contrary to the business needs of the district and would prevent the district from fulfilling its legal duties or obligations.

The terms “boycott,” “company,” and “reasonable business purpose” have the meanings set forth in Idaho Code §67-2347A(4).

PROHIBITIONS ON CONTRACTING WITH ABORTION PROVIDERS

The district will comply with state restrictions on the use of public funds to provide, perform, or induce an abortion; assist in the performance of an abortion; promote abortion; counsel in favor of abortion; refer for abortion; or provide facilities for an abortion or for training to provide or perform an abortion, unless otherwise authorized by Idaho Code §18-8701 *et seq.*

The district will not enter into any contract or commercial transaction with any health care provider or facility under the terms of which such health care provider or health care facility agrees to provide, perform, or induce an abortion, except when the life of the mother is endangered as outlined in Idaho Code §18-8704. The requirements of this section do not apply to contracts or commercial transactions:

1. That are subject to federal law related to Medicaid;
2. With hospitals as defined in Idaho Code §39-1301;
3. With medical facilities that provide for care of two or more individuals for 24 or more consecutive hours; or
4. Medical facilities staffed to provide professional nursing care on a 24-hour basis.



LEGAL REFERENCE:

Idaho Code Sections

18-8701 *et seq.* – No Public Funds for Abortion Act

39-1301 – Definitions

67-2346 – Anti-Boycott Against Israel Act

67-2347 – Prohibition of Environmental, Social, and Governance Standards in Public Contracts

67-2347A – Prohibition on Contracts with Companies Boycotting Certain Sectors

67-2359 – Contracts with a Company Owned or Operated by the Government of China Prohibited

CROSS-REFERENCE:

850 – Purchasing

850P1 – Supplemental Purchasing Procedures

850.20 – Purchases Using Federal Funds

850.30 – Purchasing Services or Personal Property

850.90 – Public Works Construction

ADOPTED:

AMENDED:

**Language in text set forth in italics is optional.*