



OFFICE OF THE CITY ADMINISTRATOR



London N. Breed, Mayor
Naomi M. Kelly, City Administrator

MEMORANDUM

TO: Department Heads
City Financial Officers
Contracting Officers

FROM: Naomi M. Kelly, City Administrator *N. Kelly*

CC: Alaric Degrafinried, Purchaser and Director of Office of Contract Administration
Clair Farley, Executive Director, Office of Transgender Initiatives

SUBJECT: Ban on City Contracts and Travel to States with Anti-LGBT Laws - South Carolina added to list of Covered States.

DATE: April 17, 2019

On October 14, 2016, the Board of Supervisors passed Ordinance No. 189-16 ([file No. 160425](#)) ("Ordinance") which places a ban on city-funded travel and City contracts involving States with anti-LGBT laws. The Ordinance under Administrative Code Section 12X.5(a) declares that the City shall not enter into any Contract with a Contractor that has its United States headquarters in a state on the Covered State List or where any or all of the work on the Contract will be performed in a state on the Covered State List.

Generally:

The Ordinance bans all travel to states on the list of Covered States below. Furthermore, the City shall not enter into any Contract with a Contractor that has its headquarters in a state on the Covered State List or where any or all of the work on the Contract will be performed in a state on the Covered State list. Unless otherwise exempted, this contracting ban applies to all contracts entered into by the City (See Administrative Code Sec. 12X.5(b) for specific circumstances where the Ordinance is not applicable, exempted, or eligible for a waiver). However, please note that the contracting ban only applies to the prime contractor and does not extend to lower tier subcontractors, suppliers, or vendors. In addition, the Ordinance only applies to contracts that were first advertised, solicited, or initiated on or after February 11, 2017 and therefore does not apply to amendments to pre-existing contracts.

The following state will be added to the Covered State List based on recent legislative action meeting the definition above:

- South Carolina:
 - H-4950 allows faith-based private Child Placing Agencies to refuse service provision based on religious beliefs. H-495 refers to S.C. Code of Regulations 114-550 which defines any person or entity who holds custody of a child in the foster care system, 1 Dr. Carlton B. Goodlett Place, City Hall, Room 362, San Francisco, CA 94102
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adoption or with private placement as a “Child Placing Agency.” With such regulation, adverse action cannot be taken against certain agencies that discriminate in child-placing.

- The addition of South Carolina to the Covered State List will be effective on April 15, 2019.

The list below indicates all the states currently on the Covered State List:

- Alabama (effective 6/30/2017)
- Kansas (effective 2/11/2017)
- Kentucky (effective 6/30/2017)
- Mississippi (effective 2/11/2017)
- North Carolina (effective 2/11/2017)
- Oklahoma (effective 11/1/2018)
- **South Carolina (effective 04/15/2019)**
- South Dakota (effective 3/14/2017)
- Tennessee (effective 2/ 11/2017)
- Texas (effective 9/1/2017)

The Covered State List is reviewed on a semiannual basis. When a state is removed or added the Office of the City Administrator will make that information public and post the updated list on its website, available at <http://sfgsa.org/chapter-12x-anti-lgbt-state-ban-list>.

If you have questions or require further clarification on City-funded travel, please contact your Financial Officer or accountant representative.