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EXECUTIVE ORDER

Amending and Extending Executive Order D 2020 003 Declaring a Disaster Emergency Due to the Presence of Coronavirus Disease 2019 in Colorado

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq*. (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending and extending Executive Order D 2020 003, as amended by Executive Order D 2020 018, declaring a continued state of disaster emergency due to the presence of coronavirus disease 2019 (COVID-19) in Colorado, and authorizing continued response activities associated with the disaster emergency to enable State agencies to coordinate response, recovery, and mitigation efforts.

Further, pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 5 of the Colorado Constitution and C.R.S. § 28-3-104, I hereby authorize the continued employment of the Colorado National Guard to support and provide planning resources to State and local authorities as they respond to the presence of COVID-19 in the State.

I. Background and Purpose

The Governor is responsible for meeting the dangers to the State and people presented by disasters. C.R.S. § 24-33.5-704(1). The Act defines a disaster as "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to . . . epidemic." C.R.S. § 24-33.5-703(3). The threat currently posed by COVID-19, a respiratory illness that can spread from person to person, constitutes a disaster for purposes of the Act.

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act and the President approved that request on March 28, 2020.

The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. Public health experts

recommend we practice "social distancing," or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources. COVID-19 also physically contributes to property loss, contamination, and damage due to its propensity to attach to surfaces for prolonged periods of time. The measures ordered through this Executive Order are designed to limit the spread and mitigate the harm caused by COVID-19 and protect our most vulnerable populations.

This Executive Order amends and extends Executive Order D 2020 003 for an additional thirty (30) days, provides for additional resources, temporarily waives procurement statutes for purchases involving response activities related to COVID-19, and authorizes the implementation of a Crisis Standards of Care plan (CSC Plan).

II. Amendments

Section II of Executive Order D 2020 003, as amended by Executive Order D 2020 018, is amended as follows:

1. Section II.C. is amended to read as follows:

   Pursuant to C.R.S. §24-33.5-706(4)(b), the funds in the Disaster Emergency Fund are insufficient; therefore, it is ordered that $23 million dollars ($23,000,000) be transferred from the Controlled Maintenance Trust Fund to the Disaster Emergency Fund. Pursuant to C.R.S. § 24-33.5-706(4), I order that $68 million dollars ($68,000,000) from the Disaster Emergency Fund be encumbered for response activities related to the COVID-19.

2. Add the following new Section II.F.:

   F. I order that the Department of Personnel and Administration in cooperation with the Division of Homeland Security and Emergency Management enter into leases and contracts to provide and prepare facilities that are suitable for overflow patients.

3. Add the following new Section II.G.:

   G. I authorize the temporary suspension of the following statutory requirements related to the State's procurement of goods and services that are reasonably necessary to save lives, mitigate the effects of the pandemic, prevent further spread of COVID-19, and protect against overwhelming our health care system: C.R.S. § 7-90-801(1) (concerning the requirement that foreign entities file a statement of foreign entity authority, and concerning any filing penalties associated therewith, with the Secretary of State to contract with the State, but

maintaining the other statutory requirements concerning a foreign entity's ability to transact business or conduct activities); C.R.S. § 24-17-204 (concerning contract submissions and corresponding analyses submitted to the Office of State Planning and Budget); C.R.S. § 24-30-1104(1)(h) (concerning the Department of Personnel's performance of certain centralized functions and approval processes for the executive branch); C.R.S. § 24-50-503(1)(a)-(c), (f) (concerning certain threshold requirements for contracts for personal services, but maintaining the requirements for non-discrimination provisions and termination by the state for breach); C.R.S. § 24-102-206 (concerning disclosure, notice, and penalty requirements for contractors and subcontractors performing work outside of the United States or Colorado); C.R.S. § 24-106-103(3)(d) (concerning the time frame in which personal services contracts are to be added to the centralized contract management system); and C.R.S. § 24-106-104 (concerning the types of contracts that may be used to best meet the interests of the state); and C.R.S. §§ 24-37.5-105(3)(g)-(k), (4), (4.5) (concerning the responsibilities and procedures for the acquisition of information technology).

4. Add the following new Section II.H.:

H. On April 5, 2020, the Governor's Expert Emergency Epidemic Response Committee (GEERC) met and recommended that I authorize the implementation of a CSC Plan. I verbally adopted the CSC Plan and authorized its activation by CDPHE's Chief Medical Officer on April 5, 2020, as memorialized by this Executive Order. Nothing in the CSC Plan supplants State or federal anti-discrimination laws, and demographic information such as race, age, disability status, citizenship, immigration status, ethnicity, sexual orientation, or gender identity cannot be considered in triage or resource allocation decisions except as is medically relevant to the survivability of COVID-19.

III. Duration

Executive Order D 2020 003, as amended by Executive Order D 2020 018 and as amended and extended by this Executive Order, shall expire thirty (30) days from April 8, 2020, unless modified, rescinded, or extended further by Executive Order, except that the funds described in Section II.C. of Executive Order D 2020 003, as amended, shall remain available for the described purposes for twelve (12) months from the date of this Executive Order. In all other respects, Executive Order D 2020 003, as amended by Executive Order D 2020 018, shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this eighth day of April, 2020

Jared Polis
Governor