

**CONTRACTOR CERTIFICATION REQUIRED BY
SOUTH DAKOTA EXECUTIVE ORDER 2023-02**

Section 1 Definitions. The words used in this Certification shall mean:

- 1.1. “Prohibited Entity,” an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates, of those entities or business associations, regardless of its principal place of business, that is ultimately owned or controlled, directly or indirectly, by a foreign national, a foreign parent entity, or foreign government from China, Iran, North Korea, Russia, Cuba, or Venezuela;
- 1.2. “Executive Branch Agencies,” each state agency, authority, bureau, board, commission, department, or institution of the State of South Dakota that is controlled by the Governor;
- 1.3. “Contract,” any type of agreement by or on behalf of the State to sell or lease supplies or goods, or to provide services, professional services, construction, or public improvements, to the State in return for a fee, or any other form of compensation to be paid or provided by the State; and
- 1.4. “Contractor,” a vendor, supplier, construction contractor, or subcontractor that has submitted a bid or offer for or has been selected to engage in providing goods or services to the State but does not mean a sole proprietorship or individual natural U.S. citizen.

Section 2. Certification. The undersigned hereby certifies to the State of South Dakota that:

- 2.1. The undersigned is not a Prohibited Entity.
- 2.2. If at any time after making this certification the undersigned becomes a Prohibited Entity, the undersigned will provide immediate written notice to all Executive Branch Agencies with whom the undersigned has a Contract. The undersigned understands and agrees that if the undersigned becomes a Prohibited Entity, Executive Branch Agencies may terminate any Contract with the undersigned.
- 2.3. The undersigned acknowledges and agrees that Executive Branch Agencies have the right to terminate a Contract with any Contractor that submits a false certification.

Dated _____, 202__.

Contractor:

By: _____

Printed Name: _____

Title: _____