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How Will Colorado's Stay-Home Order Affect Local Federal Contractors?

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Yesterday, Governor Jared Polis announced Executive Order D 2020 017, “Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State” (the “Executive Order”). Subject to limited exceptions, the Executive Order requires Colorado citizens to “stay at home,” and mandates that Colorado businesses “close temporarily.” The Executive Order went into effect on March 26, 2020 and expires on April 11, 2020 (unless rescinded or modified).

The Executive Order references and incorporates Amended Public Health Order 20-24, “Implementing Stay at Home Requirement” (the “PHO”). The PHO permits businesses designated as “Critical Businesses” to remain open and continue to operate as normal, provided that each business complies with applicable Colorado guidance and directives for maintaining clean and safe work environments and social-distancing requirements.

Notably, many federal contractor businesses are likely considered Critical Businesses under the Executive Order, but not all. The PHO designates as Critical Businesses several sectors that may be applicable to federal contractors (Note: this is not intended to be an exhaustive list):

- **Defense:** businesses that perform “[d]efense, security, and intelligence-related operations supporting . . . the U.S. Government or a contractor for any of the foregoing;” “[a]erospace operations,” “[m]ilitary operations and personnel,” and “[d]efense suppliers.”
- **Healthcare Operations:** businesses, such as “[h]ospitals, clinics, and walk-in health facilities,” “[r]esearch and laboratory services,” and “[m]edical wholesale and distribution.”
- **Critical Infrastructure:** businesses that service “[r]oad and railways,” including “[t]ransportation and infrastructure necessary to support a Critical Business.”
- **Critical Manufacturing:** business that provide “[a]ny manufacturing necessary to support a Critical Business.”

The response to the COVID-19 outbreak continues to evolve and specific restrictions on businesses will likely be refined and updated over the coming weeks. Whether your business is considered a Critical Business under the Executive Order or not, please see our prior alert for tips on how federal contractors can protect their businesses.

Executive Order Links

For convenience, below are links to the Executive Order and related information.

- Executive Order D 2020 017, Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State.
- Public Health Order 20-24, as amended, Implementing Stay at Home Requirements.
- Frequently Asked Questions.

We encourage you to visit Holland & Hart's Coronavirus Resource Site, a consolidated informational resource offering practical guidelines and proactive solutions to help companies protect their business interests and their workforce. The dynamic Resource Site is regularly refreshed with new topics and updates as the COVID-19 outbreak and the legal and regulatory responses continue to evolve. Sign up to receive updates and for upcoming webinars.

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