



TUESDAY, DECEMBER 14, 2021

VACCINATION MANDATE FOR CONTRACTORS AND GRANTEEES



Assistant City Administrator for

INTERNAL SERVICES



GOVERNMENT OF THE
DISTRICT OF COLUMBIA

MURIEL BOWSER, MAYOR

ATTENDEE REMINDERS

DURING THE CALL

1. Mute your microphone during the presentation.
2. Turn your camera off during the presentation to preserve bandwidth.
3. Type your questions into the chat.
4. This meeting is being recorded.

QUESTIONS TO ASK

1. Save project-specific questions for your agency grants officer or contracting officer.
2. Ask general questions related to the guidance provided.

AFTER THE CALL

1. Questions will be saved and answered in a formal, Q&A document, which will be posted on coronavirus.dc.gov.
2. The recording will be shared, the presentations will not.



Remember we are unable to provide you with legal or business advice.

AGENDA

1. Background
2. Overview of Mayor's Order 2021-099 Section IV and Mayor's Order 2021-109
3. Agency Implementation
4. Tracking and Testing
5. Fast Facts:
 - Subcontractors, Subgrantees, Volunteers, and Virtual Work
 - Additional Requirements & Vaccination Certification
 - Record Retention
 - Compliance: Audits/Investigations
6. Resources
7. Q&A



BACKGROUND

- Mayor issued Order 2021-099 on August 10, 2021 and Order 2021-109 on September 20, 2021.
- Now that safe and effective vaccines are widely available, it is vital that District employees, contractors, interns, and grantees under the administrative control of the Mayor be vaccinated against COVID-19 or where applicable undergo regular testing for COVID-19, to help ensure the effective and efficient operation of the District government and for their own safety, the safety of their colleagues, and the safety of those they serve.
- The presence of unvaccinated persons in schools, childcare centers, and on the athletic fields creates substantial risks to the health of students, threatens the confidence of parents and guardians, increases the need to quarantine students due to COVID-19 exposures and increases the need for remote learning, which impairs educational attainment and the efficient and effective operation of schools and childcare centers.

MAYOR'S ORDER 2021-099

Section IV

1. All District government contractors and grantees shall ensure that each of their employees, agents, and subcontractors who provide goods or perform services in person in District of Columbia facilities or worksites, or who have in-person contact with other persons in order to complete their work under the contract or grant have been either:
 - i. fully vaccinated against COVID-19, or
 - ii. granted one of the exemptions identified in Section III of this Order by the contractor or grantee, are undergoing weekly COVID-19 testing and only reporting to the workplace when such test result is negative and are wearing masks while working*.

*Mayor's Order 2021- 142 does not modify the mask requirements in Mayor's Orders 099 and 109

Exemptions

Contractors and grantees who:

- a. object in good faith and in writing, that the vaccination would violate their sincerely held religious beliefs;
- b. have obtained and submitted written certification from a physician or other licensed health professional who may order an immunization, that being vaccinated for COVID-19 is medically inadvisable as a result of a medical condition; and
- c. agree to be tested weekly for COVID-19.

MAYOR'S ORDER 2021-099

Section IV

2. The Office of Contracting and Procurement (“OCP”), each District government agency under the administrative control of the Mayor with procurement authority independent of the Chief Procurement Officer, and each grant-making agency may issue change orders, enter into amendments to grant agreements or grant award notifications, and include terms in new contracts, grant agreements, or grant award notifications that include the requirement set forth in paragraph 1 of Section IV of Mayor’s Order 2021-099.

Key Takeaways

- a. You may not see a change to your existing contract or grant agreement however, you still need to comply with the Orders.
- b. New contracts and grant award notifications may specifically include the requirements of these Orders.

MAYOR'S ORDER 2021-099

Section IV

3. Contractors and grantees shall be responsible for ensuring compliance with this Order by their employees, agents, and subcontractors, and failure to do so may result in adverse consequences.

Each District government contractor and grantee shall, at the request of the District government, provide to the District government a certification of its compliance with this requirement.

4. Nothing in this Order shall be deemed to prevent contractors or grantees from imposing stronger vaccination requirements on their employees, agents, or subcontractors, subject to applicable federal and local laws and regulations.

MAYOR'S ORDER 2021-109

II. Covid-19 Vaccination Requirement For All Adult Personnel in Schools and Child Care Facilities

1. Effective November 1, 2021, all adult employees, contractors, interns, and volunteers working in person in a public, public charter, independent, private, or parochial school in the District of Columbia, and all adult employees, contractors, interns, and volunteers working in person in a child care facility regulated by the Office of the State Superintendent of Education, shall have received a full course of a vaccination against COVID-19 unless they have been granted an exemption from such vaccination pursuant to, and are compliant with the requirements of, Section IV of this Order.

Key Takeaways

- a. Vaccination required, unless exemption granted:
 - Public charter, independent, private, or parochial school in the District of Columbia
 - Childcare facility regulated by OSSE.

MAYOR'S ORDER 2021-109

II. Covid-19 Vaccination Requirement For All Adult Personnel in Schools and Child Care Facilities

4. The categories of individuals to whom the requirements imposed by this section applies includes, but is not limited to:

- Teachers, student teachers, teaching aides, substitute teachers, and teaching fellows;
- before- and after-school teachers,
- program leaders, and assistants;
- guidance counselors;
- principals and other school leaders, program coordinators and administrators;
- coaches, trainers, athletic directors, referees, meet or game officials, and school-based media specialists filming games and training sessions;
- librarians and school library-based personnel;
- technology support personnel who work in schools;
- social workers;
- school bus drivers;
- school security personnel;
- aides for children with special needs in schools;
- cafeteria, janitorial, and building maintenance staff;
- and volunteers who are regularly at schools; but do not include adult students in schools;

MAYOR'S ORDER 2021-109

II. Covid-19 Vaccination Requirement For All Adult Personnel in Schools and Child Care Facilities

4. The categories of individuals to whom the requirements imposed con't:

- School bus and van drivers and aides on those school buses or vans who (other than personnel of the Washington Metropolitan Area Transit Authority) take students to or from school or who regularly take students to or from extra-curricular activities such as sports competitions; and
- The childcare facilities licensed by the Office of the State Superintendent of Education to which this section applies includes but is not limited to: child development centers; child development homes (also called family childcare homes) which care for up to six (6) children in the provider's home; and expanded child development homes, which care for between six (6) to twelve (12) children.

MAYOR'S ORDER 2021-109

II. Covid-19 Vaccination Requirement For All Adult Personnel in Schools and Child Care Facilities

5. Persons with health licenses and unlicensed persons as defined in § 2(7) of the Health Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code § 44-551(7)) are already covered by the Department of Health (“DC Health”) emergency and proposed regulations governing mandatory vaccination status. 68 DCR 8964 (Aug. 27, 2021, effective Aug. 23, 2021).
6. Persons who enter schools and childcare facilities on a one-time basis are not covered by this Order, but if a person’s ordinary duties or practices include regularly entering schools, such as off-site administrators who regularly visit school sites, or contractors who regularly service schools, they must comply with this Order’s vaccination requirement. Parents or guardians who periodically visit their child’s school or childcare facility, such as for parent-teacher conferences or special school events, are not subject to this Order.

Key Takeaways

- a. Who is not covered:
 - a. Persons who enter on a one-time basis;
 - b. Parents or guardians who periodically enter;
 - I.e: Special events or parent-teacher conferences.
 - Adult students

AGENCY IMPLEMENTATION

What initial steps were taken by District government agencies to implement the vaccination requirement for contractors and grantees?

- Agencies informed all grantees about the Mayor's Order.
- Agencies informed all contractors registered in the District's Procurement Automated Support System (PASS) about the Mayor's Order.
- Agencies have not updated existing grant award notifications or grant agreements or contracts – however grantees and contractors are still required to be in compliance with applicable laws, which includes the Mayor's Orders. New agreements, solicitations, contracts, or certification documents may be updated with applicable language.
- At any time, agencies may request a certification of compliance and/or evidence of compliance.

NOTE: Contractors and grantees should ensure they are meeting the requirements for the agency they are working with or providing services for.

TRACKING & TESTING

How should contractors and grantees track vaccination status, weekly COVID-19 test results, and process exemptions within their organizations?

- Contractors and grantees are responsible for ensuring that their relevant personnel are in compliance with the vaccine requirement outlined in Mayor's Order 2021-099 and Mayor's Order 2021-109 and should manage the tracking, exemption and testing, if applicable, processes internally.
- The Mayor's Orders do not require a particular tracking system and contractors and grantees should develop a process that works for their systems and operations.
- There is no requirement to preemptively or regularly submit vaccination statuses, test results, or exemption requests to the District at this time.

Key Takeaways

- a. Contractors and grantees should:
 - Manage and track vaccination and/or testing requirements
 - Maintain auditable files
- b. Do not submit records directly to the District unless requested.

WHAT ABOUT SUBCONTRACTORS, SUBGRANTEES, VOLUNTEERS, & VIRTUAL WORK?

1. The Mayor's Orders apply to all agents of a grantee or contractor, including employees and volunteers.
2. The Mayor's Orders do not apply to those contractors or grantees supporting the District government in a solely virtual capacity.



ADDITIONAL REQUIREMENTS & VACCINATION CERTIFICATION

1. The Mayor's Orders allow private employers to impose stronger vaccination requirements on their employees, agents, or subgrantees, subject to applicable federal and local laws and regulations.
2. At this time, there is no requirement to provide proof of vaccination to enter District government facilities.
3. If a certification form is required, an agency will inform the contractors or grantees.

RECORD RETENTION

1. At any time, a contractor or grantee may be asked to certify compliance with the vaccination requirement. All contractors and grantees should maintain updated records to be able to promptly supply this certification if requested. Contractors or grantees may receive additional instructions for certifying compliance and may receive a request for access to documents and records to audit this certification.
2. Contractors and grantees are required to collect proof of vaccination status, test results, and/or documentation of medical or religious exemption as part of a comprehensive auditable file.



COMPLIANCE: AUDITS/INVESTIGATIONS

1. An agency may audit any file, system, verbal description/attestation, or direct observation the agency deems relevant to affirming that the contractor or grantee is in compliance with the Mayor's Orders. This may include, but is not limited to, the contractor's or grantee's policies and procedures for maintaining compliance, staff interviews of how and how well the policies and procedures work, the technical or other systems used to collect and store proof of vaccination, exemption approvals and test results, and the underlying documentation to support proof of vaccination, exemptions and test results itself.
2. It is recommended that agencies prioritize visually reviewing this proof as and where stored by the contractor or grantee, rather than asking the contractor or grantee to provide records to the government. If the agency deems it necessary to collect copies of this proof, the agency will do so via secure transfer and storage that is accessible by agency staff with an operational need to review.

RESOURCES



Contact

Grantees should email questions about the application of the Mayor's Orders to their grantor agency.

Contractors should email vendor.relations@dc.gov



Online

For copies of the Mayor's Orders, FAQs, and updated guidance, visit coronavirus.dc.gov.



Q&A

 Assistant City Administrator for
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