


AMENDMENT OF SOLICITATION / MODIFICATION OF CONTRACT		1. Solicitation Number CFOPD-21-I-040		Page of Pages 1 2 (with attachment)			
2. Amendment/Modification Number Amendment No. 1	3. Effective Date See Box 16C	4. Requisition/Purchase Request No.	5. Solicitation Caption Outside ERISA Counsel				
6. Issued by: Code _____ Office of the Chief Financial Officer (OCFO) Office of Contracts 1100 4th Street SW Suite E620 Washington, DC 20024		7. Administered by (If other than line 6)					
8. Name and Address of Contractor (No. street, city, county, state and zip code) ALL POTENTIAL BIDDERS		9A. Amendment of Solicitation No. CFOPD-21-I-040		9B. Dated (See Item 11) August 19, 2021			
		10A. Modification of Contract/Order No.		10B. Dated (See Item 13)			
		Code _____ Facility _____					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended. <input checked="" type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15 and returning a <u>1</u> written copy of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) BY separate letter or fax which includes a reference to the solicitation and amendment number. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such may be made by letter or fax, provided each letter or telegram makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. Accounting and Appropriation Data (If Required)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14							
A. This change order is issued pursuant to (Specify Authority):							
B. The above numbered contract/order is modified to reflect the administrative changes.							
C. This supplemental agreement is entered into pursuant to authority of:							
D. Other (Specify type of modification and authority)							
E. IMPORTANT: Contractor <input type="checkbox"/> is not <input checked="" type="checkbox"/> is required to sign this document and return 1 copy to the issuing office.							
14. Description of Amendment/Modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible.) The above referenced solicitation to provide Outside ERISA Counsel is hereby amended to make administrative corrections and to add a special provision related to the District's COVID-19 Emergency as set forth on page 2. ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED							
Except as provided herein, all terms and conditions of the document is referenced in Item 9A or 10A remain unchanged and in full force and effect.							
15A. Name and Title of Signer (Type or print)			16A. Name of Contracting Officer Anthony A. Stover, CPPO				
15B. Name of Contractor		15C. Date Signed	16B. District of Columbia		16C. Date Signed September 2, 2021		
(Signature of person authorized to sign)				(Signature of Contracting Officer)			

1. Under Section B.5, Price Schedule the following administrative corrections are being made:

“B.6.3 OPTION YEAR TWO” is **corrected** to “B.5.3 OPTION YEAR TWO”;
“B.6.4 OPTION YEAR THREE” is **corrected** to “B.5.4 OPTION YEAR THREE”; and
“B.6.5 OPTION YEAR FOUR” is **corrected** to “B.5.5 OPTION YEAR FOUR”.

2. **ADD** the following provision to Section H, *Special Contract Provisions*:

“H.11 SPECIAL PROVISIONS RELATED TO THE COVID-19 EMERGENCY”

H.11.1 The Contractor is required to comply with Mayor’s Order 2021-099, COVID-19 Vaccination Certification Requirement for District Government Employees, Contractors, Interns, and Grantees, dated August 10, 2021, and all substantially similar vaccine requirements including any modifications to this Order, unless and until they are rescinded or superseded. At the request of the District government, Contractors may be asked to provide certification of compliance with this requirement and/or documents and records in support of this certification.

H.11.2 The Contractor is required to comply with City Administrator’s Order 2021-4, Resumption of Requirement for All Persons to Wear a Mask Inside District Government Buildings and While on Duty as a District Government Employee or Contractor, dated July 30, 2021, and all substantially similar mask requirements including any modifications to this Order, unless and until they are rescinded or superseded.”

3. **ADD** the following document to Section J, *Attachments*:

“J.7 FAQ Vaccine Requirement for Contractors and Grantees 08.19.21”

[End of Amendment 1]

APPLICATION OF MAYOR'S ORDER 2021-099
TO CONTRACTORS AND GRANTEES

Frequently Asked Questions

(as of August 17, 2021)

This document contains answers to frequently asked questions regarding the application of the COVID-19 vaccination requirement imposed by Mayor's Order 2021-099 on certain contractors and grantees of the District government.

The date on which each question and answer was first included in the document is set forth in brackets after the text of the question, along with any dates on which the question or answer was updated.

The Office of the City Administrator will update this document periodically in response to questions received from agencies.

Q1: What initial steps are agencies taking to implement the vaccination requirement for contractors and grantees? [08/17/2021]

A1: Agencies should first identify the contractors and grantees of the agency that are subject to the vaccination requirement. (See the response to Q2 for a description of the activities that subject contractors and grantees to this requirement.) OCP has sent a notification to all vendors in the PASS system (including both contractors and grantees that use the system) about the Mayor's Order, and agencies that authorize grants or have independent procurement authority should send additional notice to their contractors and/or grantees using the template provided.

Q2: Which District government contractors and grantees are subject to the Order's vaccination requirement? [08/17/2021]

A2: The following categories of District government contractors and grantees are subject to the Order's vaccination requirements:

- a. District government contractors and grantees who provide services at District government facilities; and
- b. District government contractors and grantees whose work is regularly directed by District government employees and who have in-person contact with other persons in order to complete their work under the contract or grant.

By way of example, contracted food service workers who work at DCPS schools and contracted security personnel who work at District government buildings are subject to the requirement, because they perform their work at District government facilities. In addition, grantees under the COVID-19 Community Corps are subject to the requirement because their work is regularly directed by District government employees and the contract or grant staff have in-person contact with other individuals in order to complete their work.

In contrast, grantees who received emergency funds to maintain business operations that are unrelated to District government functions and whose operations are not directed by District

government offices are not covered by the vaccination requirement. Additionally, attorneys and consultants who perform work under a contract with an agency would likely be exempt from this requirement if all of their duties are carried out remotely. Moreover, non-profit organizations that receive grants from or through District government may be exempt if the extent of their interaction with the government is to receive and report on the use of those funds, but otherwise are not operating regularly as an extension or agent of the government.

Q3: Are contractors or grantees required to show proof of vaccination status to enter District government facilities? [08/17/2021]

A3: At this time, there is no requirement to provide proof of vaccination to enter District government facilities.

Q4: How should contractors or grantees track vaccination status, weekly COVID-19 test results, and process exemptions within their organizations? [08/17/2021]

A4: Contractors and grantees are responsible for ensuring that their eligible personnel are in compliance with the vaccine requirement outlined in Mayor's Order 2021-099, and should manage the tracking and exemption processes internally. However, the Order does 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.

Q5: Is the requirement as mandated in the Mayor's Order applicable to volunteers? [08/17/2021]

A5: The Mayor's Order applies to all agents of a grantee or contractor, including employees and volunteers.

Q6: I am a contractor or grantee supporting the District government virtually. Does this requirement apply to my employees or me? [08/17/2021]

A6: No, the Mayor's Order does not apply to those contractors or grantees supporting the District government in a solely virtual capacity.

Q7: Is there a vaccination certification form for contractors or grantees to complete? [08/17/2021]

A7: No, there is currently no requirement to preemptively or regularly send documentation to the District government.

Q8: Will the District provide COVID-19 testing? [08/17/2021]

A8: For information on testing options, please visit: <https://coronavirus.dc.gov/testing>.

Q9: Grantees are not under OCP. Which agency or executive entity will provide further guidance and standardized forms for grantees should they become needed? [08/17/2021]

A9: Standardized forms and further guidance will be disseminated from grantor agencies to grantees should they become needed.

Q10: What records will contractors or grantees be required to maintain for a future audit to prove compliance with the Mayor's Order? [08/17/2021]

A10: At any time, contractors or grantees may be asked by District government to certify their compliance with the vaccination requirement. Therefore, contractors and grantees should maintain and update records as necessary to be able to promptly supply this certification if requested. Grant Administrators or Contracting Officers may provide additional instructions for certifying compliance with the vaccine requirement and may request access to documents and records to audit this certification.

Q11: Will contractors or grantees have to collect proof of vaccination/a doctor's order/negative tests and keep them on file for audits or merely employee statements? [08/17/2021]

A11: Contractors and grantees will be required to collect proof of vaccination status, test results, and/or documentation of medical or religious exemption as part of a comprehensive auditable file.

Q12: If one of their employees (i.e., an accountant) is not paid from the contract or grant, but works for the organization on an aspect of the funding (e.g., signature on payroll checks), and they perform work in-person, does the order apply to them? [08/17/2021]

A12: The Mayor's Order applies to employees, agents, and subcontractors who provide goods or perform services in person in District government facilities or worksites, or who have in-person contact with other persons in order to complete their work. The following categories of District government contractors and grantees are subject to the Order's vaccination requirements:

- a. District government contractors and grantees who provide services at District government facilities; and
- b. District government contractors and grantees whose work is regularly directed by District government employees and who have in-person contact with other persons in order to complete their work under the contract or grant.

Q13: Can a contractor or grantee impose stronger vaccination requirements for their employees? [08/17/2021]

A13: Yes, the Mayor's Order allows private employers to impose stronger vaccination requirements on their employees, agents, or subcontractors/subgrantees, subject to applicable federal and local laws and regulations.

Q14: What language should I include in my agency's forthcoming Request for Applications and natural agreement renewals? [08/17/2021]

A:14: In all RFAs to be published henceforth, please include the following text:

The grantee(s) selected in response to this Request for Applications is/are required to comply with Mayor's Order 2021-099, COVID-19 Vaccination Certification Requirement for District Government Employees, Contractors, Interns, and Grantees, dated August 10, 2021, and all substantially similar vaccine requirements including any modifications to this Order, unless and until they are rescinded or superseded.

Q15: What language should I include in my agency's forthcoming solicitations and natural agreement renewals? [08/17/2021]

A15: All solicitations to published henceforth should include the following text:

The Contractor is required to comply with Mayor's Order 2021-099, COVID-19 Vaccination Certification Requirement for District Government Employees, Contractors, Interns, and Grantees, dated August 10, 2021, and all substantially similar vaccine requirements including any modifications to this Order, unless and until they are rescinded or superseded. At the request of the District government, Contractors may be asked to provide certification of compliance with this requirement and/or documents and records in support of this certification.

The Contractor is required to comply with City Administrator's Order 2021-4, Resumption of Requirement for All Persons to Wear a Mask Inside District Government Buildings and While on Duty as a District Government Employee or Contractor, dated July 30, 2021, and all substantially similar mask requirements including any modifications to this Order, unless and until they are rescinded or superseded.

Q16: I have another question. Who should I ask? [08/17/2021]

A16: Please email any other questions you may have about the application of the Mayor's Order to grantees to Kish Rusek, Grants Policy Division, at kish.rusek@dc.gov. For questions related to contractors, please email vendor.relations@dc.gov.