

Contractors Vaccination Mandate – Frequently Asked Questions (FAQs) for Contractors, Workers and County Departments

FAQs:

The FAQs have been divided into four categories based on various audiences. The four categories are: [General](#), [Contractor](#), [King County Agency](#), and [Volunteers & Trainees](#)

General:

- **Where can I find the Executive Order, ACO-8-28-EO?**

The Executive Order, ACO-8-28-EO, can be found on our [website](#).

- **Who does this Executive Order impact?**

All County contractors and volunteers working onsite (Workers) at executive branch agencies if the work is required to be performed in person and on site, on County property or in county facilities, or work requiring interaction with the general public regardless of frequency, whether or not other workers are present, and including indoor or outdoor worksites, except as noted below.

Executive branch agencies report to the County Executive and include:

- King County Elections
- King County Sheriff
- King County Metro
- Department of Adult and Juvenile Detention (DAJD)
- Department of Assessments (DOA)
- Department of Community and Human Services (DCHS)
- Department of Executive Services (DES)
- Department of Human Resources (DHR)
- Department of Information Technology (KCIT)
- Department of Judicial Administration (DJA)
- Department of Local Services (DLS)
- Department of Natural Resources and Parks (DNRP)
- Department of Public Defense (DPD)
- Department of Public Health (DPH)

If you have any questions about whether this Order applies to your contract with the County, please contact the Agency representative who administers your contract.

- **Will the attestation form and FAQs be available in other languages?**

Thank you for this question. Procurement & Payables will do their best to provide additional language access for the attestation form and post this on the county's website. The same is true for the FAQs.

- **Given that employees and contractors are now required to be vaccinated, is the County going to require customers to be vaccinated?**

The Executive Order only applies to "workers" that include employees, temporary staff, on-site volunteers, or on-site contractors for a county agency. Additionally, but separate from the Executive Order, the county's local health officer issued an order applicable to the general public on September 16th requiring proof of vaccination or a recent negative COVID-19 test prior to entry at many venues and events.

Contractor:

- **What actions are required from Contractors?**

1) Identify if this Order applies to your contract. Please contact your agency representative or send an email to procurement.web@kingcounty.gov if you have any questions about whether your contract is covered by the Order.

2) By Oct. 18, 2021, complete and submit the Evidence of Vaccination – Attestation form to King County at: procurement.web@kingcounty.gov. **NOTICE:** Given the limited timeframe allowed for compliance and concerns expressed about all Workers being fully vaccinated by the deadline, an extension has been granted for this Order. Contractors and Workers who are unable to comply with the Order by the October 18, 2021 deadline, and who are working towards compliance, are automatically granted a limited time extension to December 2, 2021 and must instead comply by that date.

- **Where can I find the Evidence of Vaccination – Attestation form?**

The Evidence of Vaccination – Attestation form can be found on our website located at: [Vaccination Mandate for Contractors - King County](#)

- **How long will Executive Order, ACO-8-28-EO, be in place?**

Executive Order, ACO-8-28-EO, is in effect on September 22, 2021 and shall not be suspended until either the executive terminates the proclamation of emergency or, by motion of the council.

- **Where can I submit the Evidence of Vaccination – Attestation form?**

You can submit the form to: procurement.web@kingcounty.gov

Any forms routed to agencies first should be immediately forwarded to procurement.web@kingcounty.gov

- **When is the Evidence of Vaccination – Attestation form due by to ensure compliance?**
By Oct. 18, 2021. **NOTICE:** Given the limited timeframe allowed for compliance and concerns expressed about all Workers being fully vaccinated by the deadline, an extension has been granted for this Order. Contractors and Workers who are unable to comply with the Order by the October 18, 2021 deadline, and who are working towards compliance, are automatically granted a limited time extension to December 2, 2021 and must instead comply by that date.
- **If I have multiple contracts, do I need to submit an Evidence of Vaccination – Attestation form for each contract?**
Contractors have the discretion to use a single Attestation form by including all contract numbers for multiple contracts on the form, provided that all Workers under each contract are fully vaccinated.

If a contractor has multiple contracts where the vaccination status of Workers varies from contract to contract, then the contractor should submit the Attestation form and include the contract number(s) for only those contracts where Workers are fully vaccinated and potentially submit an exception request for all other contracts (see question regarding ‘Will any exceptions be granted?’ below).

- **Will this affect all current and future solicitations?**
Yes, the Executive Order pertaining to COVID-19 safety issues (ACO-8-28-EO), will be part of new solicitation requirements effective September 22, 2021 and shall not be suspended until either the executive terminates the proclamation of emergency or, by motion of the council.
- **Will any exceptions be granted?**
The granting of exceptions will be very limited given the public policy intent of the Order, which is to maximize vaccination rates for contractors in order to protect our health system, the public and county employees; to avoid the return of more stringent public health measures; and to stop the spread of COVID-19.

On a case-by-case basis, the County may grant an exception to a contractor due to business necessity and/or may provide a limited time extension.

Agencies are responsible for making any exception requests on behalf of the contractors they manage. Agency representatives, after consulting with their applicable contractors, should submit any exception requests to Procurement in writing. Exception requests should be sent to David Malone, Chief Procurement Officer, explaining the specific reasons for the business necessity and/or indicate the amount of additional time needed for compliance. These exception requests to the vaccine mandate will be processed in much the same manner as an agency submitting formal requests to Procurement to waive competitive bidding requirements. By the end of October 2021, agencies will receive additional policy guidance for exceptions from the Finance and Business Operations Division (FBOD).

- **Does the Order include a provision for contractors to allow medical or religious accommodations? Also, what is the process for compliance if I have provided one or more of my Workers with religious or medical accommodation that they do not have to get vaccinated?**

Workers who are not fully vaccinated should not be sent to come onsite to provide services under a County contract. The County does not make determinations for accommodations that involve the contractor's employees. Although contractors, as employers, must comply with laws related to medical and religious accommodations, the County is a customer and not the employer. The County is working to protect the safety of its employees and the public, and to protect the medical systems that serve our region and the public health of our community. Given the current high risk associated with COVID-19 variants and current transmission rates, the County is acting to reduce contact between unvaccinated persons and others for the safety of our community.

- **Does the Order apply to contractors building public works projects?**

Yes. The order covers work on County property or in County facilities including indoor or outdoor worksites; or in circumstances where the work is occurring in a different physical location (i.e., non-County property or facility) but the work requires interacting with the general public, regardless of frequency.

However, if an Executive Branch agency is providing a portion of funding to a large capital project involving several other entities, but the project itself is not on County property and the work is being performed at a non-County worksite or facility, then the Order likely does not apply in this situation. In these situations, agencies should consult their PAO to ascertain whether the Order applies.

- **Does the Executive Order apply to an independent contractor who is serving the public and interacting in-person with the public, but the service is not provided on county property? For example, Metro, Public Health and DCHS have contractors who provide in-person services to the general public, but the service is not provided on county property or facilities.**

The answer is "Yes." The Executive Order applies to work that is performed in person and on site, on county property or in county facilities, or work requiring interaction with the general public, regardless of frequency. The Executive Order, as it applies to contractors, should be interpreted as follows: A contractor who is only receiving funds from the county to conduct work that always occurs at a different physical location (i.e., a non-county property or facility), is not subject to the Executive Order unless the work requires in-person interaction with the general public.

- **Does the Executive Order apply if a contractor for the county is doing all of their work remotely, without any in-person interaction with county employees or the general public (e.g., contact for IT services)?**

These remote working contractors would not be subject to the Order as long as they are not working on county property or in county facilities, and their work does not require

interacting with the general public regardless of frequency, including indoor and outdoor worksites.

- **Is the County considering any modifications to the attestation form?**

The answer is “No.” The county is not considering any modifications to the form at this time.

- **If a worker for a contractor gets sick from the vaccine, who is responsible if the employee files a claim—is it the contractor or the county?**

Under the Executive Order, contractors are required to send workers to county job sites or facilities who are fully vaccinated. King County in this case is the customer and not the employer. A contractor should consult their legal representative for questions about potential liabilities from a worker who becomes sick from obtaining the vaccine.

King County Agency:

- **What actions are expected from County agencies who administer contracts?**

Agency representatives should become familiar with the Executive Order, the letter from Procurement sent to contractors, and the FAQ’s, so they can answer basic questions from contractors.

Agencies ensure that contractors have received the letter from Procurement about the vaccination mandate and refer them to the County website for additional information.

Agencies answer basic contractor questions when possible and make referrals to Procurement for complex questions or issues.

Agencies coordinate with Procurement to track the status of contractor submittals of Attestation form.

For any Attestation forms sent directly to agencies, the agency representative is responsible for forwarding the form to Procurement.

Agencies are responsible for making any exception requests on behalf of the contractors they are responsible for managing.

- **What actions are expected from Procurement & Payables (“Procurement”)?**

Procurement will respond to agency referrals and address complex questions or issues regarding the application of the Order to any specific contract.

Procurement is responsible for tracking receipt of contractor Attestation forms in a database and providing agencies access to view the forms collected.

Procurement monitors and processes requests submitted to the website inbox:

procurement.web@kingcounty.gov

Procurement will notify contractors of their compliance status regarding the Order.

Procurement will review any exception requests submitted by agencies on behalf of contractors.

For contractors not in compliance by specified deadlines as noted above, and assuming no exception or extension has been authorized by the County, Procurement will send out notifications to contractors that their contract(s) maybe terminated, or they may be debarred from future County solicitations (see response to question below on 'What happens if I do not comply?').

- **Where can I find the Evidence of Vaccination – Attestation form?**

The Evidence of Vaccination – Attestation form can be found on our website located at: [Vaccination Mandate for Contractors - King County](#)

- **How long will Executive Order, ACO-8-28-EO, be in place?**

Executive Order, ACO-8-28-EO, is in effect on September 22, 2021 and shall not be suspended until the either the executive terminates the proclamation of emergency or, by motion of the council.

- **What is the process if my agency has a contract in-progress with King County (i.e., the notice of selection has been granted but the contract is not yet executed)?**

This should be handled in the negotiation phase of the contract prior to execution. All “in-progress” contracts that are covered by the Order will need to incorporate the vaccination requirement for their Workers and the contractor will need to comply by sending in an Attestation form.

- **Will any exceptions be granted?**

The granting of exceptions will be very limited given the public policy intent of the Order, which is to maximize vaccination rates for contractors in order to protect our health system, the public and county employees; to avoid the return of more stringent public health measures; and to stop the spread of COVID-19.

On a case-by-case basis, the County may grant an exception to a contractor due to business necessity and/or may provide a limited time extension.

Agencies are responsible for making any exception requests on behalf of the contractors they manage. Agency representatives, after consulting with their applicable contractors, should submit any exception requests to Procurement in writing. Exception requests should be sent to: procurement.web@kingcounty.gov Attention: David Malone, Chief Procurement Officer, explaining the specific reasons for the business necessity and/or indicate the amount of additional time needed for compliance. These exception requests to the vaccine mandate will be processed in much the same manner as an agency submitting formal requests to Procurement to

waive competitive bidding requirements. By the end of October 2021, agencies will receive additional policy guidance for exceptions from the Finance and Business Operations Division (FBOD).

- **Does the Order apply to federal grant programs such as those supported by FEMA and CLRF funding?**

There are many federal grant programs where the County contracts with a contractor or a subrecipient (e.g., a non-profit or community-based group) to deliver goods and/or services to designated populations that are aligned with the intent of the federal grant. If the contractor (or subrecipient) only receives funds distributed by an Executive branch agency, and if the work is always performed at a non-County location, then the contractor is not required to comply with the Order unless the work requires interaction with the general public, regardless of frequency.

- **Metro Transit supplies workers and operates LINK light rail under contract to Sound Transit. The Sound Transit LINK light rail facilities are owned by Sound Transit, but Metro Transit employees operate the system through an agreement with Sound Transit. Sound Transit has vendors and contractors who come on site for more than a short period of time. Does the Executive Order apply to Sound Transit's vendors and contractors?**

The Executive Order only applies to contractual relationships between King County and other contractors. Any contracts that are strictly between Sound Transit and its contractors would likely not fall under the county's Order. In these more unique contracting circumstances, however, agencies are advised to consult with their PAO to ascertain whether the Order applies.

- **Sound Transit is designing and constructing the Downtown Redmond Link Extension Project (DRLE). As part of this large project, Sound Transit has a current agreement with the county to build and design an extension to the County's East Lake Sammamish Trail, as well as an extension of water service to Marymoor Park. Does the Executive Order apply in this case to Sound Transit's large construction project?**

Sound Transit has the agreement with the construction contractor in this case, not King County. Therefore, it is likely that Sound Transit's contractors would not fall under the county's Order. In these more unique contracting circumstances, however, agencies are advised to consult with their PAO to ascertain whether the Order applies.

- **Sound Transit acts as the contracting agency for all of the next generation ORCA vendors. One of the ORCA vendors may need to enter county facilities to do on-site training of employees.**

Assuming Sound Transit and not the County is the contracting agency for ORCA vendors, the Executive Order would not apply to such contracts.

- **Cities usually contracts with King County Roads for pavement overlay services. In this case the King County contractor is doing work onsite and in-person, but the work is not on County property and does not require interaction with the public, except possibly through a flagger who controls traffic. The work is being done within the City's jurisdiction. Do these contractors fall under the Executive Order?**

Assuming the contract is between King County and the contractor (not between King County and each City), and assuming each City reimburses the County for the services, and assuming that the work is performed at a different physical location (i.e., non-county property or facility) and the workers are not in direct contact with the public other than a flagger directing traffic, then these contracts would likely not fall under the Order. The agency should consult with their PAO to ascertain whether the order applies.

- **Does the Order apply to contractors building public works projects?**

Yes. The order covers work on County property or in County facilities including indoor or outdoor worksites; or in circumstances where the work is occurring in a different physical location (i.e., non-County property or facility) but the work requires interacting with the general public, regardless of frequency.

However, if an Executive Branch agency is providing a portion of funding to a large capital project involving several other entities, but the project itself is not on County property and the work is being performed at a non-County worksite or facility, then the Order likely does not apply in this situation. In these situations, agencies should consult their PAO to ascertain whether the Order applies.

- **If a construction project includes fabrication work that is occurring at a non-county facility or property and is later installed on a county work site, does the Executive Order apply?**

The Executive Order only applies if the fabrication or construction work is occurring on-site and in-person, at a county property or facility, or the work requires interacting with the general public, regardless of frequency. Assuming the fabrication work occurs at a non-county property or facility, and assuming there is no interaction with the general public during the fabrication process, the Order would not apply.

The actual work, however, of installing the fabricated product on a county property or facility would apply under the Order.

- **Does the Executive Order apply to an independent contractor who is serving the public and interacting in-person with the public, but the service is not provided on county property? For example, Metro, Public Health and DCHS have contractors who provide in-person services to the general public, but the service is not provided on county property or facilities.**

The answer is "Yes." The Executive Order applies to work that is performed in person and on site, on county property or in county facilities, or work requiring interaction with the general public, regardless of frequency. The Executive Order, as it applies to contractors, should be interpreted as follows: A contractor who is only receiving funds from the county to conduct

work that always occurs at a different physical location (i.e., a non-county property or facility), is not subject to the Executive Order unless the work requires in-person interaction with the general public.

- **The Executive Order does not include Workers who are present at a site for only a short period of time and have a fleeting physical presence with others, such as for shipping and delivery services, or for periodic maintenance or repair services. What does the county mean by short period of time and fleeting physical presence?**

By definition, a fleeting physical presence is a momentary or very brief interaction. There is another part of the Executive Order that states the Order applies for any work “requiring interaction with the general public regardless of frequency.” In this context, a fleeting physical presence would be 15 minutes or less. Shipping and delivery services are typically under 15 minutes. Contractors responsible for periodic inspections and maintenance would be subject to the Executive Order if their service requires more than 15 minutes per site.

- **Does the Executive Order apply if a contractor for the county is doing all of their work remotely, without any in-person interaction with county employees or the general public (e.g., contact for IT services)?**

These remote working contractors would not be subject to the Order as long as they are not working on county property or in county facilities, and their work does not require interacting with the general public regardless of frequency, including indoor and outdoor worksites.

- **For existing contractors executed prior to the Executive Order, we expect some contractors to submit change orders for compensation related to the new requirement. What is the guidance for project managers in response to such change order requests?**

The Executive Order is in response to new changes in the pandemic, such as the emergence of the highly contagious COVID-19 variants and the rise in breakthrough infections. Change orders requested by contractors in response to the Executive Order will be handled on a case-by-case basis and are subject to the terms and conditions in their contracts. Under the Executive Order, contractors are required to send workers to county job sites or facilities who are fully vaccinated. The County does not make determinations for exemptions that involve the contractor’s employees. Although contractors, as employers, must comply with laws related to medical and religious accommodations, the county is a customer in this case and does not have the authority as the employer. Therefore, the county does not provide advice or authorizations to contractors for religious or medical exemptions.

- **The Prosecuting Attorney’s Office has contractors with outside attorneys. Does the Order apply to these contracts?**

“No” because the Order only applies to Executive Branch agencies listed above in the second FAQ.

- **Does this vaccine mandate apply to King County contractors that are performing work within a city’s boundary?**

The Executive Order applies to work that is performed in person and on site, on county

property in county facilities, or work requiring interaction with the general public regardless of frequency. The Executive Order, as it applies to contractors, should be interpreted as follows: A contractor who is only receiving funds from the county to conduct work that always occurs at a different physical location (i.e., a non-county property or facility), is not subject to the Executive Order unless the work requires interaction with the general public.

In this situation, if the work is not occurring on county property and the workers are not interacting with the general public, then the Order would not apply. If workers are interacting with the general public, then the Order would apply.

- **Does the Order apply to contractors who are working on low-income housing projects where the project may be partially funded by the county?**

The Executive Order applies to work that is performed in person and on site, on county property in county facilities, or work requiring interaction with the general public regardless of frequency. The Executive Order, as it applies to contractors, should be interpreted as follows: A contractor who is only receiving funds from the county to conduct work that always occurs at a different physical location (i.e., a non-county property or facility), is not subject to the Executive Order unless the work requires interaction with the general public.

In this situation, if the construction work is not occurring on county property and the workers are not interacting with the general public, then the Order would not apply.

- **Procurements involving WSDOT have their own required attestation form. Do county agencies require both the WSDOT attestation as well as the King County attestation for these contracts?**

Please consult your PAO regarding whether the WSDOT attestation form could be used in lieu of the County's Attestation form so that a contractor does not have to sign both forms.

- **This question deals with piggyback contracts involving the State of Washington or other government entities. Does the Order apply to piggyback contracts?**

Even though the county agency may be utilizing a piggyback contract with the State or another government entity, the Executive Order may apply because the eventual signed agreement is between the contractor and King County. Please keep in mind that the Executive Order applies to work that is performed in person and on site, on county property in county facilities, or work requiring interaction with the general public, regardless of frequency. The Executive Order, as it applies to contractors, should be interpreted as follows: A contractor who is only receiving funds from the county to conduct work that always occurs at a different physical location (i.e., a non-county property or facility), is not subject to the Executive Order unless the work requires interaction with the general public.

Volunteers and Trainees:

- **If a county agency is training employees from other government entities at a county building, do the trainees need to be vaccinated to attend the training?**

Agencies should contact the Department of Human Resources (DHR) to determine the applicability of the Order to trainees from other jurisdictions at a county facility. DHR can determine whether the definition of “worker” under the Order applies to such trainees.

- **I’m a volunteer for King County. Are onsite volunteers for King County required to sign attestation forms? What are volunteers required to do to prove they are fully vaccinated? For example, do county volunteers at the Regional Animal Control shelter need to sign an attestation form and/or show their proof of vaccination?**

On site volunteers are not required to sign an attestation form because they are not contractors of King County. However, these volunteers do need to provide proof of full vaccination as stated in the Executive Order. The applicable agency administrators should be contacted for more details regarding how volunteers can demonstrate their proof of full vaccination prior to coming onsite at a county facility, property, or worksite.