

# COVID-19 Contractor/Consultant Vaccination Requirement

EX-29 as of January 24, 2022



January 24, 2022

## I. BACKGROUND

The U.S Government, the State of Washington, King County, and various other local governments have issued various orders, rules, and regulations related to the novel coronavirus, or COVID-19. The Port's ongoing response to COVID-19 has required and continues to require Port employees to provide important governmental services, often in-person. After months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the "delta variant" that is at least twice as transmissible as the virus that emerged in late 2019 plus the Omicron variant that is 2.5 to 3.5 times as transmissible as the delta variant, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations and deaths to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals.

To reduce worker absences from COVID-19 and impacts to the Port's operations that could result therefrom, the Port has implemented a vaccination policy for its own employees, contained in HR-34 – COVID 19 Vaccine Policy. However, Port employees often interact in their capacity as Port employees in Port Offices with workers of Contractors. The interaction of Port employees in Port Offices with unvaccinated workers of Contractors could potentially expose the Port employees to COVID-19 and have the follow-on effect of increasing worker absences that could affect Port's ability to maintain continuous and efficient operations. Requiring workers of Contractors performing work in Port Offices and interacting with Port employees to be vaccinated against COVID-19 will reduce the potential of Port employees being exposed to COVID-19, help ensure the health of Port employees, and will reduce worker absence; thereby decreasing the risk of disruption to Port operations and economic damage to the Port.

## II. CONTRACTOR VACCINATION REQUIREMENT

### A. Definitions

1. "Contractor," as used herein, shall mean any contractor, consultant, vendor, or service provider of any kind (including their subcontractors, subconsultants, suppliers, etc. of any tier) with a written contract or agreement with the Port. As used herein, "Contractor" specifically excludes the following:
  - a. U.S. government agencies;
  - b. state and local government agencies; and
  - c. airlines.
2. "Contractor Employee," as used herein, shall mean an individual employed by a Contractor, whether part-time, full time, temporary, permanent, or through any other work arrangement.

3. "Port Offices," as used herein, shall mean the enclosed spaces that are generally not open to the public to which Port workers regularly report to perform their work at the following locations owned, managed, or controlled by the Port of Seattle:

- a. Airport Office Building (AOB) (Floors 1-5 and Penthouse)
- b. Airport Communications Center (ACC)
- c. Airport SEA Credential Center and Training (staff office spaces)
- d. Aviation Maintenance Facility at Building 161 (AC4)
- e. P66 Bell Harbor Marina Office
- f. Aviation Distribution Center
- g. Airport Emergency Control Center (ECC)
- h. Fishermen's Terminal
- i. Marine Maintenance Horton Street
- j. Airport Neighborhood Field Office (Training Facility)
- k. Airport Industrial Waste Treatment Plant (south end of the airfield)
- l. Aviation Logistics Field Office
- m. Airport Transit Operations/Bus Maintenance Facility
- n. Airport Main Terminal Garage – 3rd Floor GT Booth / Cruise Lounge
- o. Miscellaneous Aviation Maintenance Offices, e.g. boiler room in the garage, sign shop, PLB shop, etc.
- p. Airport North Employee Parking Lot
- q. Aviation Parking Office (at the toll plaza)
- r. Port Construction Services (PC) Yard
- s. Pier 69 Office Building
- t. Port of Seattle Fire Station
- u. Port of Seattle Police Stations
- v. Aviation Ramp Tower
- w. Shilshole Bay Marina offices
- x. Airport Security Office – Mezzanine
- y. SeaTac Office Center (ENG/PM/CM/CPO/PCS/ABD)
- z. Airport Satellite Transit System Office
- aa. Terminal 91 Offices
- bb. Terminal 102 Engineering Office
- cc. Airport Water Tower Field Office
- dd. Airport Westside Field Office
- ee. Airport Westside Fire Station
- ff. Airfield Lighting Vault
- gg. Airport Domestic Water Pump House
- hh. Airfield Access Gates
  - ii. Airport Volunteer/Pathfinder Office – Mezzanine
- jj. Marine Maintenance North Office
- kk. Port operations office spaces within the International Arrivals Facility
  - ll. Port security offices and break rooms at north end of ticketing level
- mm. Port project management or construction management offices

B. Contractor Vaccination and other Requirements:

1. All Contractor Employees performing any work or services in person in Port Offices on or after March 9, 2022 must be fully vaccinated against COVID-19.
  - a. Contractor Employees are not required to be vaccinated against COVID-19 if they are present in Port Offices for only a short period of time and have a fleeting physical presence with others on the site. Examples include contractors delivering supplies, refuse pickup, snow-removal, or a driver for a contracted shipping and delivery service briefly entering a site to pick up parcels for shipping.
  - b. No Contractor Employee who has not been fully vaccinated against COVID-19 may perform work that is required to be performed in person in Port Office areas,
2. Contractor Employees for any Contractor who test positive for COVID-19 may not enter or perform any work or services in person in Port Offices until a minimum 5 days until after symptoms appeared, and with two conditions 1) fever free for 24 hours prior to return and 2) symptoms resolving.
3. Contractor Employees are required to wear masks when they enter or perform any work or services in person in Port Offices. Masks must be consistent with current CDC recommendations for the general population.
4. Social distancing per CDC guidance will be observed within Port office areas.
5. Virtual meetings will be prioritized when possible.

C. Evidence of Vaccination.

1. A Contractor Employee is not considered fully vaccinated until 14 days after the last shot required in any initial vaccination series (two shots for the Pfizer and Moderna vaccines (or others as they become approved by CDC) and one shot for the Johnson and Johnson vaccine—this requirement does not include boosters at this time but may be amended should CDC definition change to include booster(s). Contractor Employee must provide proof of full vaccination against COVID-19 by providing one of the following to their employer:
  - a. CDC COVID-19 Vaccination Record Card or photo of the card;
  - b. Documentation of vaccination from a health care provider or electronic health record;
  - c. State immunization information system record; or
  - d. For an individual who was vaccinated outside of the United States, a reasonable equivalent of any of the above.

D. Evidence of Vaccination – Attestation

1. Before the effective date above, every Contractor that has a direct contractual relationship with the Port (e.g., the prime, if there are also subcontractors or

subconsultants) must provide an attestation declaration to the Port for all Contractor Employees (including the employees of their subcontractors, subconsultants, suppliers, etc. of any tier) that are working or will work for the Contractor in Port Offices. Contractors are encouraged to submit attestations earlier than the effective date to avoid potential issues that could result in lack of compliance.

2. Contractor must physically verify COVID-19 vaccination records as described above for each Contractor Employee working in Port Offices. Contractors may not verify individual Contractor Employee vaccinations by obtaining only a personal attestation rather than verification of vaccination records.
  3. After the effective date above, Contractor Employees are prohibited from engaging in work in Port Offices unless the following requirements are met:
    - a. The Contractor must obtain a copy of or visually observe proof of full vaccination against COVID-19 for every Contractor Employee working in Port Offices or federal leasehold areas, if required under Port contract;
    - b. A Contractor performing work in Port Offices or federal leasehold areas, if required under Port contract, must submit to the Port a signed attestation declaration in a form prescribed by the Port declaring that the Contractor has met the above requirements.
  4. The Contractor must submit additional signed attestation declarations upon the request of and by the date designated, if requested by the Port.
  5. The Contractor must cooperate with any investigation or inquiry the Port makes into the Contractor's compliance with these requirements, including by providing information and records upon request, except any information or records that the Contractor is prohibited by law from disclosing.
  6. Contractors are prohibited from providing attestations of vaccination that contain insufficient information or that they know are based on false, misleading, or dishonest grounds or information.
  7. Should additional personnel be assigned to work in Port offices over time, prior to that/those workers coming into Port offices, the Contractors will update their own attestation records to help assure health safety of Port employees in Port offices. It is only necessary to send attestations for new employees who will be in Port Offices.
- E. Nothing in this EX-29 exempts a Contractor or Contractor Employee from complying with more restrictive requirements from local, state or federal governments or other governmental agency. Contractors and Contractor Employees must comply with the measures in this EX-29, even if more restrictive than requirements from another governmental agency.

- F. Failure to Comply. If at any time a Contractor fails to comply with the requirements of this EX-29, the Port in the interest of protecting the health of its employees and ongoing business operations, shall work with Contractor in good faith to bring it into compliance, reserving the right at any time to take corrective action which may include exclusion from Port Offices and termination of Contract.
  
- G. If, and or when, the CDC guidance requires a booster shot to be considered fully vaccinated, then this EX-29 will include a booster shot in the Port's definition as fully vaccinated. Updated attestations would be required to be submitted to the Port as directed.
  
- H. Duration of COVID-19 Contractor/Consultant Vaccination Requirement. The requirements of this EX-29 will continue until modified or rescinded, in either case only in a formal modification of this EX-29, by the Executive Director of the Port of Seattle.