



Executive Order 21-29

Vaccination Requirements for State Contractors

Agency Frequently Asked Questions

Does the Executive Order (EO) apply to all contracts?

[EO 21-29](#) applies to contracts that call for a Worker to provide goods or perform services in person and on-site at an Executive Branch worksite, regardless of frequency or whether other persons are present.

Who qualifies as a Contractor?

For the purposes of this Executive Order, a Contractor is any firm who is performing services or providing goods to an Executive Branch agency. Contractors include consultants, suppliers and vendors.

Who qualifies as a “Worker”?

A Worker is a person who isn’t an Executive Branch agency employee that provides goods or services to the Executive Branch, regardless of compensation, through a formal or informal agreement. Persons making deliveries or pick-ups to Executive Branch worksites are not considered Workers.

What qualifies as an “Executive Branch worksite”?

Any indoor premises controlled or operated by an Executive Branch agency, where a Worker performs services in person for longer than 15 minutes (“close contact” as defined by the [CDC](#)). Consequently, in most cases, persons making deliveries or pick-ups to Executive Branch worksites are not considered Workers. For leased spaces including multi-tenant environments, this includes only the spaces and services under the control of the agency, it excludes landlord-provided services and doesn’t include common areas or other areas not within the control of the agency.

Does the EO apply to Workers performing services in private homes?

No, a private home is not considered an Executive Branch worksite.

Does the EO apply to Workers on an Executive Branch construction project, public works project, or maintenance project site?

- It does not apply if: the site is wholly operated by the contractor and not the Executive Branch worksite (e.g., vacant buildings or self-contained spaces), or if the work takes place in unoccupied Executive Branch worksite space (e.g., mechanical rooms) and the Worker doesn’t interact with the occupied portion of the building for more than 15 minutes.
- It does apply if: work is performed within an occupied portion of an Executive Branch worksite and the work takes longer than 15 minutes.

What’s the due date for contractors to provide proof of compliance?

On or before October 18, 2021.

Does the vaccination requirement apply to subcontractors supplying Workers through a prime contractor?

Yes, contractors are responsible for ensuring compliance with their subcontractors, and may do so by collecting an “Executive Order 21-29 Vaccination Compliance form” from each subcontractor.

Are volunteers subject to the requirements of the EO?

Yes.

Are parties to a grant agreement subject to the requirements of the EO?

The requirements apply if the grant agreement requires Workers to perform services or deliver goods to an Executive Branch worksite.

What documentation are contractors required to submit to prove compliance?

Contractors must submit a completed copy of the “Executive Order 21-29 Vaccination Compliance form” for the specific Workers under each contract.

Can contractors consider requests from their Workers for medical exception or exceptions for sincerely held religious beliefs?

Yes, contractors must maintain documentation of any exceptions and have a documented plan to accommodate each exception.

How do Contractors submit proof of compliance?

Contractors should work with the agency Contract Administrator to determine which contracts are subject to the requirements of the EO. The Contract Administrator will provide the contractor with an “Executive Order 21-29 Vaccination Compliance form” to complete. Once the contractor has verified that all Workers are in compliance, the signed form must be returned to the agency Contract Administrator.

How is the compliance documentation maintained?

Contractors are responsible for the collection and maintenance of their Worker documentation (proof of vaccination or approved medical or religious exception) and the compliance form for any subcontractors supplying Workers. State contracting agencies are responsible for collecting and maintaining the “Executive Order 21-29 Vaccination Compliance form” from contractors.

Can a contracting agency apply more requirements that exceed the EO?

Yes, the EO allows agencies to implement additional requirements as needed to meet the needs of their agency.

Who is responsible for ensuring contractor compliance?

In most cases, the agency contract administrator or other agency designee is responsible for ensuring contractor compliance. DAS is managing compliance for a small number of Statewide Price Agreements as noted in the applicable Buyer’s Guides.

Will DAS ensure compliance for contractors who supply Workers under State Price Agreements?

DAS will manage the compliance of Price Agreement contractors whose core purpose is supplying Workers to perform services at Executive Branch worksites (i.e., temporary staffing or janitorial service).

Agencies are responsible for ensuring compliance on a project-by-project basis for Price Agreements contractors whose core purpose is performing services that may or may not be done at Executive Branch worksites (i.e., consulting services or interpretation services).

Will DAS collect the “Executive Order 21-29 Vaccination Compliance form” from contractors who supply Workers under State Price Agreements?

DAS will collect the “Executive Order 21-29 Vaccination Compliance form” from Price Agreement contractors whose core purpose is supplying Workers to perform services at Executive Branch worksites (i.e., temporary staffing or janitorial service).

Agencies are responsible for collecting the Executive Order 21-29 Vaccination Compliance form on a project-by-project basis for Price Agreements contractors whose core purpose is performing services that may or may not be done at Executive Branch worksites (i.e., consulting services or interpretation services).

What if a contractor refuses to submit the required documentation?

If a contractor refuses to submit the required form, the state contracting agency needs to take actions to ensure their compliance with the EO. Such actions include but are not limited to denying contractor access to the Executive Branch worksite or terminating the contract.

What happens if a contractor is unable to supply any Workers who are in compliance with the EO?

The EO provides authority for agency heads to approve the use of unvaccinated Workers if the work is urgent. This approval must be in writing. Contractors should work with the agency Contract Administrator if such an exception is needed. The Contract Administrator would facilitate requesting approval from the applicable agency head.

Where can I send additional questions?

Please email additional questions to EGS.policy@oregon.gov.