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COVID-19 Vaccination Requirement for City of Portland Vendors, Consultants, Contractors, Volunteers, and Grantees

The City of Portland has a responsibility to use all the tools available to protect both community and employee health and safety during the pandemic to ensure the continued provision of core services to those who live and work in Portland. One of those tools is to require vaccinations for those that interact with City of Portland employees, and the public, at City facilities.

A City of Portland multi-bureau workgroup was convened to develop procedures for how a vaccination requirement would apply to Vendors, Consultants, Contractors, Volunteers, and Grantees. In creating the procedures, the workgroup focused on the following objectives: employee health and safety; providing clear, simple, actionable procedures; looking to our regional partners for implementation examples; seeking input and feedback during the process from those the requirement would apply to, particularly around the ease and additional effort needed for compliance; providing ways for the City's relationships with the community to continue; and prioritizing the applicability of the requirement to those that are in-person in City worksites.

Based on the procedures developed by the multi-bureau workgroup, the following vaccination requirement is effective November 8, 2021:

Requirement

Vendors, Consultants, Contractors, Volunteers, and Grantees are required to comply with this policy concerning vaccination requirements when they have or are Workers who meet the criteria below. Any work that meets these criteria requires:

- the Worker to be vaccinated or have an approved exception through their employer, if that the Worker is or is employed by a Vendor, Consultant, or Contractor; or
- the Worker to be vaccinated or have proof of a negative COVID-19 test if that Worker is a Volunteer or Grantee.

When the requirement applies

The City of Portland vaccination requirement applies to any Worker when the work or voluntary service performed is:

- in person, and



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- performed for 15 minutes or more in length, and
- while indoor at City worksites or leased space controlled by the City.

Any work that meets these factors, regardless of frequency or whether other persons are present, requires compliance with this policy.

When the requirement does not apply

The City of Portland vaccination requirement does not apply to work or voluntary service performed in the following situations:

- Deliveries or pickups at City facilities or spaces leased by the City that are less than 15 minutes in length.
- Work that takes place in a space which is generally unoccupied and has a closed door (e.g., mechanical rooms) and the person does not interact with the occupied portion of the worksite for 15 minutes or more.
- Work is performed wholly outside and physical distancing of six feet or more can be maintained.
- At sites which are not City-owned or operated, such as sites wholly operated by the contractor or another entity. (These spaces are subject to any requirements set by the owner.)
- Tenant-leased spaces in City facilities. (These spaces are subject to any requirements set by the tenant.)
- Work currently performed 100% remotely.

This requirement does not apply to visitors or patrons of City worksites.

City Worksite Health and Safety Requirements

Vendors, Consultants, Contractors, Volunteers, and Grantees entering City facilities, regardless of vaccination status, are expected to follow the health and safety requirements in place at the time of access. This includes:

- Taking the City's Health Assessment Survey for daily approval prior to coming inside a worksite. (<https://www.portland.gov/health-assessment>)
- Not entering a City worksite if sick.
- Following the City's [Face Covering Directive](#).
- Practicing hand hygiene.
- Signing in for contact tracing purposes.

Vendors, Consultants, and Contractors

Between November 8, 2021 and January 3, 2022, Workers who are inside City worksites for longer than 15 minutes are required to wear an enhanced filtration face covering regardless of vaccination status, such as a KN95 or N95 mask. After January 3, 2022, vaccinated Workers are required to follow the City's Face Covering Directive; Workers with an employer approved exception are required to follow the City of Portland's accommodations (see "Exceptions" below).

Attestation Compliance

On or before January 3, 2022, all Vendors, Consultants, and Contractors with active contracts must have completed the “Attestation Questions” on their Vendor Profile on the City of Portland’s BuySpeed Vendor Portal (the questions are available in BuySpeed starting November 5, 2021). (<https://procure.portlandoregon.gov/bsv/view/login/login.xhtml>)

The questions document if a Vendor, Consultant, or Contractor has Workers subject to this requirement; and if so, that all Workers subject to this requirement after January 3, 2022 are Fully Vaccinated or have a medical or religious exception verified by the Vendor, Consultant, or Contractor (see “Exceptions” below.)

Vendors, Consultants, and Contractors who do not complete the “Attestation Questions” by January 3, 2022 could be denied access to City worksites until the Attestation Questions are completed.

Exceptions: Each Vendor, Consultant, and Contractor is responsible for the review and approval of any Worker-requested exceptions and ensuring Workers comply with the following City of Portland approved accommodations:

- Twice weekly COVID-19 testing and have a negative test result within 72 hours of entrance into City facilities. Any FDA approved test that the Employer can verify the Worker used and had a negative result is acceptable.
- Wearing an N95 mask, provided for the Worker by the Vendor, Consultant, or Contractor, at all times while performing work at a City of Portland worksite.
- Maintaining six feet of distancing from others whenever possible, especially when the Worker is eating or drinking.
- Performing the work remotely when feasible.

Minors

Workers who work for Vendors, Consultants, or Contractors who are under the age of 18 who are doing work inside a City worksite for longer than 15 minutes are required to meet the vaccination requirement or have a medical or religious exception verified through their employer.

Public Agency Partners

Public Agency Partners who have intergovernmental agreements with the City of Portland to provide services to the City of Portland do not have to complete the “Attestation Questions” and are considered in compliance if their agency has an employee vaccination mandate. If the agency does not have their own vaccination mandate, the agency should contact their contract manager to determine an alternative way of providing the work. Public Agency Partners are expected to comply with the City’s Worksite Health and Safety Requirements.

Volunteers and Grantees

Between November 8, 2021 and January 3, 2022, Volunteers and Grantees who are inside City worksites for longer than 15 minutes are required to wear an enhanced filtration face covering, such as a KN95 or N95 mask, regardless of vaccination status.

After January 3, 2022, Volunteers and Grantees inside City worksites for longer than 15 minutes are required to comply with the City's Face Covering Directive and the following applies:

Before the start time of an in-person activity inside a City worksite that is longer than 15 minutes in duration, the Volunteer or Grantee shall show one of the following to the City of Portland designated personnel for the activity:

- Proof of Vaccination, or
- Verification of a negative test within the 72 hours prior to the activity. Any FDA approved test that the City designated personnel can verify the Volunteer or Grantee used and had a negative result is acceptable.

If neither can be provided, the Volunteer or Grantee cannot participate in the activity. Exceptions will not be granted for Volunteer or Grantee activities. City of Portland personnel are encouraged to provide alternate ways for the Volunteer or Grantee to participate if feasible, such as by video conference or telephone.

Minors

Volunteers and Grantees who are under the age of 18 can participate in the activity by meeting one of the following:

- Show Proof of Vaccination to the City of Portland designated personnel for the activity, or
- Verification of a negative test within the 72 hours prior to the activity, or
- Wear an enhanced filtration face covering, such as a KN95 or N95 mask, at all times for the duration of the activity.

City designated personnel will be provided with guidance on how to review materials. The City of Portland is committed to maintaining the privacy of Volunteer and Grantee information and will review documentation for verification only; no copies of information will be taken.

Enforcement

The City of Portland may take legal action for any noncompliance of Workers and entities for which a Worker is an agent, employee, contractor, volunteer, or grantee.

Definitions

"COVID-19" means a disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

"Employee" means any person employed by the City of Portland but does not include Workers.

“Fully Vaccinated” means having received both doses of a two-dose COVID-19 vaccine or one dose of a single-dose COVID-19 vaccine and at least 14 days have passed since the individual’s final dose of COVID-19 vaccine. The CDC could update the definition of “Fully Vaccinated” at any time, so it is advised that all subject to this requirement confirm the requirements at the time of attestation and/or activity.

“Grantee” means any individual or entity (including agents or employees thereof) who have received grant funds from the City.

“Proof of Vaccination” means documentation provided by a tribal, federal, state or local government, or a health care provider, that includes an individual’s name, date of birth, type of COVID-19 vaccination given, date or dates given, depending on whether it is a one-dose or two-dose vaccine, and the name and location of the health care provider or site where the vaccine was administered. Documentation may include but is not limited to a COVID-19 vaccination record card or a copy or digital picture of the vaccination record card, or a print-out from the Oregon Health Authority’s immunization registry.

“Public Agency Partners” means any public entity with whom the City has an intergovernmental agreement or otherwise engages in combined or joint ventures, events, activities, or projects with the City.

“Vendors, Consultants, and Contractors” means any person or entity engaged to provide goods or services to the City in exchange for remuneration. Vendors *only* paid by Procurement card (P-Card) are not included.

“Volunteer” means any individual who performs service for the City without promise, expectation, or receipt of compensation for services rendered (small stipends excepted).

“Worker” means an individual who is not an Employee and is engaged to provide goods or services to the City of Portland through any formal or informal agreement, whether compensated or uncompensated. This includes Vendors, Contractors, and Consultants, and any agents, employees, or subcontractors thereof, as well as Volunteers and Grantees. It does not include a visitor or patron.

“Worksite” means a facility owned by the City (including space leased to others where the City retains control to impose its requirements) and City-leased space in facilities owned by others. A City Worksite includes all locations which support City functions where employees report to work, which may be a building or other structure, an assemblage of several buildings in a campus, or site area, such as fleet parking or operations yards, or a field site. For job trailers on construction sites, the requirement applies to City of Portland job trailers in any location; it does not apply to Contractor job trailers. To the extent possible, project meetings should be held virtually. City Employees should prioritize safety. If an employee arrives at any job trailer, and other people on the site are not following safety protocols, such as wearing face coverings or maintaining physical distancing, the employee has permission to remove themselves from the situation and discuss with a manager.