

**Department of Administration
Office of State Procurement**
Purchasing and contracting authority and procedures
Frequently Asked Questions (FAQs)
regarding the implementation of Policy #1446 COVID-19 Proof of Vaccination and
Testing

1. **QUESTION:** Does Policy #1446 require me to send the notice to all our contractors and vendors?

ANSWER: No. Policy #1446 applies to contractors/vendors who are performing work in the following types of project settings: indoors with regular in-person contact with State agency employees or members of the public; and outdoors with substantial and/or regular in-person, non-socially distanced contact with State agency employees or members of the public. It does not apply to outdoor work on construction, building and grounds services, and maintenance contracts, or to contract work that occurs indoors in unoccupied spaces. For example, if the work a contractor is doing occurs on a floor that is currently unoccupied, the requirements do not apply and the agency does not need to send the notice to this contractor. In addition, if the contractor does not access the workplace for more than 10 minutes at a time, the policy does not apply. Refer to supplemental [Guidance](#) for further information on scope and applicability.

2. **QUESTION:** What is the definition of unoccupied space?

ANSWER: ‘Unoccupied space’ means indoor space that is not, at the time contract work is being performed, utilized as a work area for state agency employees or accessed by members of the public.

3. **QUESTION:** Does the policy apply to landlords of a facility that is leased by the State?

ANSWER: No. However, we encourage landlords to adopt vaccination and testing protocols in line with those being applied to state-owned facilities for staff and their contractors.

4. **QUESTION:** Policy #1446 references both contractors and vendors. What is the difference?

ANSWER: For purposes of this policy, there is not distinction between a “contractor” and a “vendor,” and these terms are used interchangeably. In general, contractors work under a specific contract, usually performing construction or professional/technical services while vendors often provide goods and services as a result of a purchase order issued by an agency.

5. **QUESTION:** If implementing these procedures results in significant costs to a contractor, will the State pay for it?

ANSWER: The sample notice to contractors prompts the contractor to contact the state agency in the event the new protocols result in new costs that would not otherwise be incurred. In the event a contractor seeks compensation, the agency will need to have further discussions with the contractor to identify specific details including the tasks involved and amount requested. The agency can then begin discussions with the vendor regarding potential alternatives including a change of schedules such as moving performance to days or times the facility is unoccupied. In the event alternative options do not resolve the matter, the agency may determine whether or not additional costs can be incurred to complete the project or if the project needs to be delayed or cancelled. The agency must amend the contract before paying the vendor additional compensation.

6. **QUESTION:** To what extent should a state agency request information from contractors/vendors to ensure compliance with the policy? What information is sufficient?

ANSWER: Diligent contract management is expected of state agencies to enforce expectations. It is expected that the contracting agency will engage in discussions with the contractor about adherence to the policy and conduct check-ins at regular intervals to ensure the contractor is collecting attestations, carrying out testing as requested, and sending only individuals who are fully vaccinated against COVID-19 or who have complied with weekly testing. It is not expected that the state agency collect or maintain contracted employee attestations or testing data, but rather conduct sufficient check-ins or spot checking to ensure the contractor is carrying out the protocols.

7. **QUESTION:** What if a contractor refuses to adhere to the policy or refuses to provide information to demonstrate compliance with the policy?

ANSWER: As to existing contracts where these protocols were not included as part of the solicitation, we are requesting that contractors comply and will discuss potential modifications to the contract including additional payment. If an existing contractor refuses to comply, the state agency should review options including modification of where or when the contracted services are being performed or potential postponement or cancellation of the contract. For new solicitations, templates have been modified to include these new requirements and the tracking and testing protocols will become contract obligations that are enforceable by the state.

8. **QUESTION:** Does this policy apply to grant contracts?

ANSWER: No.

For more information contact Betsy Hayes at betsy.hayes@state.mn.us or 651-201-2400, or Luke Jannett (regarding commodity and general service contracts) at luke.jannett@state.mn.us or 651-201-2446, Rachel Dougherty (regarding professional/technical contracts) at rachel.dougherty@state.mn.us or 651-201-3115, or Wayne Waslaski (regarding RECS managed projects) at wayne.waslaski@state.mn.us or 651.201.2548. For MMB, send questions to the COVID-19 email box: covid19.mmb@state.mn.us

Contacts for Minnesota State contracts: For design and construction contracts with Minnesota State colleges and universities, contact Brian Yolitz, Associate Vice Chancellor for Facilities, brian.yolitz@minnstate.edu, 651-201-1777 or your individual campus project manager. For all other Minnesota State contracts, contact your campus contract administrator.