

COVID-19 Vaccination Requirement for Supplier Personnel

Procurement Information Notice 2021-01

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PART i: PURPOSE AND SCOPE

Purpose

The purpose of Procurement Information Notice (PIN)-2021-01 is to inform Procurement and Vendor Relations (PVR) of the COVID-19 vaccination requirement for Supplier personnel who access Government of Canada workplaces, which take **effect at 12:01AM (NST) November 15, 2021**.

This PIN details Shared Services Canada's implementation strategy, which comprises a Supplier certification process, and it provides specific guidance on the immediate actions required to combat the spread of COVID-19.

Scope

The COVID-19 vaccination requirement under this PIN are time-limited to the COVID-19 pandemic, and apply to:

- All new and existing Government of Canada contracts that involve services (including goods contracts that have a service component and construction services) where, in order to perform the work, Supplier and subcontractor personnel access Government of Canada workplaces (i.e., places of work owned or operated by the Government of Canada) where they may encounter public servants.
- This includes personnel who access Government of Canada workplaces for the purpose of bidders' conferences or site visits.

They **DO NOT** apply to:

- Contracts where the only services component is delivery.
- Contracts where services are solely performed in non-Government of Canada workplaces.
- Contracts that are solely for the provision of goods (i.e., no services components).
- Situations where public servants must enter Supplier facilities (e.g., to conduct compliance audits or security verifications).

PART ii: IMPLEMENTATION

ii.a: Existing Contracts (that were in place as of October 12, 2021)

No immediate action is required from SSC Contracting Authorities for all existing contracts that were in place as of October 12, 2021.

SSC's Procurement and Vendor Relations (PVR) has already collected the list of existing contracts that were in place as of October 12, 2021, and will be sending, on behalf of SSC Contracting Authorities, the following documents to Suppliers:

1. A Cover Letter (See template letter in Annex i); and
2. The 'COVID-19 Vaccination Requirement Certification Form' (See Annex ii), due to be completed and returned by **November 12, 2021**.
3. A 'Follow-Up Letter' (Annex iii) if Suppliers have not returned their completed Certification Form(s) by **November 1, 2021**.

Suppliers will be asked to confirm which contract(s) fall within the scope of the COVID-19 vaccination requirement. SSC Contracting Authorities will then be notified if a vaccination certification has been received for contracts under their authority.

ii.b: In-scope Contracts (that were negotiated after October 12), and procurements at the bid evaluation stage, or in the process of being awarded, that did not incorporate the vaccination requirement

For in-scope contracts (that were negotiated after October 12), and procurements at the bid evaluation stage, or in the process of being awarded, that did not incorporate the vaccination requirement, **SSC Contracting Authorities must take IMMEDIATE action to send to Suppliers a version of the same three documents described above** (available in Annexes i, ii, iii).

This includes:

- In-scope individual contracts under Supply Arrangements (SAs), and in-scope solicitations under SAs that are in the bid evaluation or award stage.
- In-scope call-ups under Standing Offers (SOs) that do not include the vaccination requirement, and in-scope call-ups that are in the process of being delivered.

The date(s) for the letters and certification form may be adjusted depending on the stage of the procurement process; however, in all cases, the vaccination requirement enter into force on November 15, 2021.

Non-Compliance

If the Supplier is unwilling to provide the COVID-19 Vaccination Requirement Certification by November 12, 2021, or if it is subsequently discovered and verified that the certification they provided is untrue or there is a pattern of non-compliance with the certification, then termination of the contract must be considered. In this scenario, Contracting Authorities must take the following escalating steps until the issue is resolved:

- 1. Engage with the Supplier to determine the cause for their non-compliance and to determine if the Supplier can and will take immediate steps to comply with the vaccination requirement. Before proceeding to step 2, Contracting Authorities must discuss with the Business Owner/Technical Authority, Legal Services (if necessary), and consider the operational requirement, to determine if other options exist. For example, if a Supplier is unable to provide the certification solely due to a subcontractor that is not willing to comply, an alternative option could include, but is not limited to, providing the Supplier a reasonable period to locate a different subcontractor who is willing to comply with the vaccination requirement, etc.*
- 2. Engage with the Business Owner/Technical Authority about issuing a stop work order (if permitted under the terms and conditions of the contract) and/or pursuing termination of the contract.*
- 3. If permitted under the terms and conditions of the contract, issue a stop work order (or partial stop work order), to be effective on November 15, 2021, or, if after November 15, 2021, to be effective immediately. The stop work order will protect health and safety by preventing unvaccinated personnel from accessing Government of Canada workplaces where they may encounter public servants for work under the contract until such time that the contract can be terminated or until such time that the Supplier agrees to comply with the vaccination requirement. If necessary, contact Legal Services for guidance on the stop work order.*

For solicitations that did not include a vaccination requirement and are in the bid evaluation or contract award stage: *if the winning bidder is unwilling to provide the COVID-19 Vaccination Requirement Certification, Contracting Authorities should not award the contract and should contact the Business Owner/Technical Authority and their Legal Services for options. Re-competing the requirement may be necessary.*

ii.c: New & Active Solicitations, and Resulting Contracts

A new mandatory field to capture whether or not the procurement falls within the scope of the COVID-19 vaccination requirement for Supplier personnel has been added to the P2P Solicitation and Contract Modules and must be completed for all new solicitations, contracts or amendments.

All new and active solicitations, including solicitations under SAs, for requirements where Supplier or subcontractor personnel will access Government of Canada workplaces where they may encounter public servants, must include the following Standard acquisition Clauses and Conditions (SACC) clauses.

Active solicitations **must be amended** before the closing date. This may require providing bidders with additional time in order to complete their bid.

NOTE: PLEASE REFER TO [PSPC PN-152 “VACCINATION POLICY FOR SUPPLIER PERSONNEL” \(ANNEX F\)](#) FOR ACCESS TO THE NEW SACC CLAUSES. THIS PIN WILL BE UPDATED WITH REDIRECTS TO THE SACC MANUAL, ONCE THE NEW SACC CLAUSES ARE MADE AVAILABLE ONLINE.

- **Incorporate clause 2035 05 (5) or clause 2040 05 (5) either by reference or in full.**

This should be achieved automatically if contracting authorities are using SACC Manual clause [2035 - General Conditions - Higher Complexity – Services](#) or [2040 - General Conditions - Research and Development](#).

If SACC Manual clause 2035 or 2040 are **not** being utilized, Contracting Authorities must include the new SACC Manual clause 4013 - Compliance with on-site measures, standing orders, policies, and rules in the solicitation and the resulting contract.

- **Include the following in solicitation documents that are subject to the COVID-19 vaccination requirement for Supplier personnel:**
 - SACC Manual clause A3080T: COVID-19 vaccination requirement;
 - SACC Manual clause A3081T: COVID-19 vaccination requirement certification;
 - If equivalent language is not already included in the solicitation, Clause [A3015T: Certifications - Bid](#); and
 - If a ‘Suspension of the work’ clause is not already included in the general conditions, new SACC Manual clause 4014 – Suspension of the work.

- **For Requests for Standing Offers (RFSOs), follow the same process as above but instead use:**
 - M3080T: COVID-19 vaccination requirements for Standing Offers;
 - M3081T: COVID-19 vaccination requirement certification – Standing Offers;
 - M3082T: COVID-19 vaccination requirement certification compliance – Standing Offers; and
 - If equivalent language is not already included in the solicitation, clauses M3015T: Certification – Standing Offers and M3015C: Compliance with Certification – Standing Offers.

NB. Active Standing Offers (SOs) do not require amendment – the vaccination requirement will be implemented at the call-up stage.

- **For Requests for Supply Arrangements (RFSAs), include,**
 - SACC Manual clause S3037T - Applicability of COVID-19 vaccination requirements to individual solicitations in Requests for Supply Arrangements (RFSAs)
 - SACC Manual clause 4013 - Compliance with on-site measures, standing orders, policies, and rules; and,
 - If a ‘Suspension of the work’ clause is not already included in the general conditions that will be used, SACC Manual clause 4014 - Suspension of the work as supplemental general conditions that will apply to the resulting contract.

NB. Active RFSAs do not require amendment – the vaccination requirement will be implemented at the individual solicitation stage or contract stage only; however, Contracting Authorities should follow the process for new and active solicitations. For active individual solicitations, this may require providing bidders with additional time in order to complete their bid.

- **For bidders’ conferences or site visits** that will occur at Government of Canada workplaces where Bidder/Offeror/Supplier representatives may encounter public servants, the vaccination requirement of this PIN will apply and the representatives will be required to submit a separate certification indicating that they meet the COVID-19 vaccination requirement to the Contracting Authority in advance of the conference or site visit. SACC Manual clauses relating to bidders’ conferences and site visits have been amended to include this new requirement.

- **For Resulting Contracts** that fall under the scope of this PIN, include,
 - If equivalent language is not already included, SACC Manual clause [A3015C: Certifications - Contract](#). This will incorporate the conditions of the COVID-19 Vaccination Requirement Certification that was submitted as part of the bid by reference into the contract, therefore making the certification form part of the legally binding agreement between Canada and the Supplier.

Non-Compliance

Completing and providing the COVID-19 Vaccination Requirement Certification is a mandatory requirement of the bid. If the bidder was unwilling to provide the certification, then the bid is found to be non-responsive, and the bidder is ineligible for contract award.

PART iii: DUTY TO ACCOMMODATE

Duty to accommodate measures are not available to Supplier personnel who are unwilling to get vaccinated.

If SSC Contracting Authorities are contacted by representatives of an existing contract under their responsibility regarding requests for accommodation, they should carry out the following instructions.

Contracting and Technical Authorities are not responsible for reviewing or approving the requests themselves – that responsibility remains with the Supplier only. The Technical Authority only needs to approve the mitigation measures as sufficient to ensure the health and safety of the public servants at the workplace pursuant to the above guidance.

Some supplier and subcontractor personnel may not be able to be vaccinated due to a **certified medical contraindication, religion or other prohibited grounds of discrimination under the *Canadian Human Rights Act***.

Suppliers should not share any personal information, such as any specifics about medical contraindications or religion with the Contracting Authority.

In such cases, Suppliers should first seek to replace personnel that are unable to be vaccinated with personnel that are fully vaccinated. In circumstances where replacements cannot occur, Suppliers are expected to inform the responsible Contracting Authority as soon as possible of the number of such personnel, the impacted work locations, and the steps the Supplier proposes to undertake to mitigate any associated risks. Accommodation and any mitigation measures are subject to approval by the Technical Authority and must be adequate to ensure the health and safety of public servants.

Acceptable mitigation measures could include:

- Personnel who are unable to be vaccinated will telework (if possible and subject to approval by the Technical Authority); or
- Personnel who are unable to be vaccinated or telework will undergo COVID-19 rapid testing twice a week and report their results to their employer. If the rapid test is positive, the personnel will not access the Government of Canada workplace, or, if already at the workplace, will leave immediately. The employer will retain a record of the rapid test results. In addition to the rapid testing, the personnel must follow local public health guidelines and any other required COVID-19 preventative measures in the workplace (e.g., masks, physical distancing, as required).

Suppliers are responsible for providing the resources and covering the costs of the accommodation and mitigation measures for their personnel.

If neither of the above mitigation measures can be utilized, Contracting Authorities should email strategicprocurementplanning-planificationdesachatsstrategiques@ssc-spc.gc.ca for further guidance. Please include in the email the reason(s) why the Supplier is unable to follow either of the above mitigation measures.

Information Management & Reporting

All communications, including completed Certification Forms, must be kept on file (e.g., in the procurement file, in a centralized location or database, etc.).

SSC Contracting Authorities must forward any completed Certification Forms to: strategicprocurementplanning-planificationdesachatsstrategiques@ssc-spc.gc.ca.

SSC is developing a reporting template to allow the department to report, at a minimum:

- The number of existing contracts that have been impacted by the vaccination requirement;
- The number of completed vaccination certifications received from current Suppliers;
- The number of refusals by current Suppliers to complete the vaccination certification;
- The number of active solicitations that include the vaccination requirement; and

- The number of active solicitations that had to be amended to include the vaccination requirement.

Contact Information

If further assistance is required, or for comments or questions relating to the Supplier certification process described in this PIN, please contact:

strategicprocurementplanning-planificationdesachatsstrategiques@ssc-spc.gc.ca

For procurement policy questions, please contact your [Applied Procurement Policy](#) team, and state the PIN you are referring to in the subject line of your email.

Annex i – Template Letter to Suppliers

Instructions: This letter must be sent out, as soon as possible, to Suppliers for existing Government of Canada contracts that involve services (including construction services) where, in order to perform the work, Supplier or subcontractor personnel access Government of Canada workplaces (i.e., places of work owned or operated by the Government of Canada) where they may come into contact with public servants.

Send this letter with one of the COVID-19 Vaccination Requirement Certification Forms for existing contracts, found in [Annex ii](#).

This template letter may also be adjusted, as necessary, and used for contacting winning bidders of solicitations that did not include a vaccination requirement and are in the bid evaluation or contract award stage.

[Insert Supplier name and address]

[Insert date]

Dear SSC Supplier,

Canada is committed to a robust global effort to stop the COVID-19 pandemic and address its devastating health, social, economic and security impacts on people around the world.

On October 6, 2021, the Government of Canada announced its [Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police](#).

In alignment with this measure, effective November 15, 2021, the Government of Canada will require full COVID-19 vaccination for all Suppliers and subcontractors accessing federal government facilities and workspaces. Personnel that are unwilling to be fully vaccinated will not be granted access.

The Government of Canada will pursue means to verify compliance, up to and including contract terminations with Suppliers who do not comply.

For more information on COVID-19 vaccines please consult the [Vaccines for COVID-19](#) page.

If any of your contracts involve services where, in order to perform the work, your personnel or your subcontractors' personnel (if applicable) access or may access Government of Canada workplaces within Canada where they may encounter public servants, your Organization must certify that it will comply with the vaccination requirement.

To certify that your Organization accepts and will comply with the vaccination requirement, please return by November 12, 2021:

- **The signed COVID-19 Vaccination Requirement Certification Form**
- ***If identifying affected contracts as part of the initial letter, add:* The completed table of active contract(s) with your Organization that may be subject to the vaccination requirement.**

We kindly ask that you submit one response for all contracts, to the extent possible.

The vaccination requirement include, for example, goods contracts that have a services component; however, they do not apply to contracts such as, contracts where the only services component is delivery; contracts where services are solely performed in non-Government of Canada workplaces; or contracts that are solely for the provision of goods.

If you have affected personnel that are not able to get fully vaccinated due to a certified medical contraindication, religion, or other prohibited grounds of discrimination under the Canadian Human Rights Act, if possible, consider substituting these personnel with personnel that are fully vaccinated. **In circumstances where substitutions cannot occur**, please indicate:

- The number of such unvaccinated personnel;
- The impacted work locations; and
- The steps you propose to undertake to mitigate any associated risks (such as regular rapid testing).

Please do not provide any personal information, such as any specifics about an individual's medical contraindications or religion with Government of Canada contracting authorities.

Accommodation and mitigation measures are subject to approval by Canada and must be adequate to ensure the health and safety of public servants. Accommodation and mitigation measures will not be approved for personnel that are able but not willing to be fully vaccinated.

Thank you,

[Insert signature and contact information of sender]

Annex ii – COVID-19 vaccination requirement certification form for current contracts

Instructions: A Certification Form must be included with the initial letter to the Supplier (as per Annex i), and, if needed, with the follow-up letter (Annex iii). The Certification Form is to then be completed by the Supplier and returned to the contracting authority by November 12, 2021.

Departments and agencies must keep the completed COVID-19 Vaccination Requirement Certification Form on file. Additionally, once the appropriate completed Certification Form has been received, the contracting authority must inform the relevant Business Owner(s) or Technical Authority(s) as defined in the contract, if applicable.

Two different versions of the Certification Form for existing contracts are included below – one that allows Suppliers to only certify for a single contract, and another that permits Suppliers to certify for multiple contracts they have with a particular department or agency at once. Either version may be used, as appropriate.

In order for the certification to be complete, accommodation and mitigation measures must be approved by the Technical Authority in advance of the submission of the Certification Form.

The single contract Certification Form may also be used for winning bidders of solicitations that did not include a vaccination requirement and are in the bid evaluation or contract award stage.

COVID-19 Vaccination Requirement Certification Form (Single Contract)

Certification

I, _____ (*first and last name*), as the representative of _____ (*name of business*) pursuant to Contract _____ (*contract number*), warrant and certify that all personnel that _____ (*name of business*) will provide on this Contract who access federal government workplaces where they may come into contact with public servants will be:

- (a) fully vaccinated against COVID-19 with Health Canada-approved COVID-19 vaccine(s) as of November 15, 2021; and
- (b) if applicable, for personnel that are unable to be vaccinated due to a certified medical contraindication, religion, or other prohibited grounds of discrimination under the Canadian Human Rights Act, subject to accommodation and mitigation measures as of November 15, 2021 that have been presented to and approved by Canada;

until such time that Canada indicates that the vaccination requirement for Supplier Personnel are no longer in effect.

I certify that all personnel provided by _____ (*name of business*) have been notified of the Government of Canada’s COVID-19 vaccination requirement for Supplier personnel, and that the _____ (*name of business*) has certified to their compliance with this requirement.

I certify that the information provided is true as of the date indicated below and will continue to be true for the duration of the Contract. I understand that the certifications provided to Canada are always subject to verification. I also understand that Canada will declare a Supplier in default if a certification is found to be untrue, whether made knowingly or unknowingly, during the contract period. Canada reserves the right to ask for additional information to verify the certifications. Failure to comply with any request or requirement imposed by Canada will constitute a default under the Contract.

Signature: _____
Date: _____

Optional

For data purposes only, initial below if your business already has its own vaccination policy or requirements for employees in place. Initialing below **is not** a substitute for completing the mandatory certification above.

Initials: _____

Information you provide on this Certification Form and in accordance with the Government of Canada's COVID-19 vaccination requirement for Supplier personnel will be protected, used, stored and disclosed in accordance with the Privacy Act. Please note that you have a right to access and correct any information on your file, and you have a right to file a complaint with the Office of the Privacy Commissioner regarding the handling of your personal information. These rights also apply to all individuals who are deemed to be personnel for the purpose for the Contract and who require access to federal government workplaces where they may encounter public servants.

COVID-19 Vaccination Requirement Certification Form (Multiple Contracts)

Certification

I, _____ (first and last name), as the representative of _____ (name of business) pursuant to the Contract(s) identified in attached table, warrant and certify that all personnel that _____ (name of business) will provide on the attached listed Contract(s) who access or may access federal government workplaces where they may encounter public servants will be:

- (a) fully vaccinated against COVID-19 with [Health Canada-approved COVID-19 vaccine\(s\)](#) as of November 15, 2021; and
 - (b) if applicable, for personnel that are unable to be vaccinated due to a certified medical contraindication, religion, or other prohibited grounds of discrimination under the Canadian Human Rights Act, subject to accommodation and mitigation measures as of November 15, 2021, that have been presented to and approved by Canada;
- until such time that Canada indicates that the vaccination requirement are no longer in effect.

Accommodation and mitigation measures have been presented to and approved by Canada on the contract(s) identified within attached table

I certify that all personnel provided by _____ (name of business) have been notified of the Government of Canada's COVID-19 vaccination requirement for Supplier personnel, and that the _____ (name of business) has certified to their compliance with this requirement.

I certify that the information provided is true as of the date indicated below and will continue to be true for the duration of all Contracts. I understand that the certifications provided to Canada are subject to verification at all times. I also understand that Canada will declare a Supplier in default if a certification is found to be untrue, whether made knowingly or unknowingly, during the contract period. Canada reserves the right to ask for additional information to verify the certifications. Failure to comply with any request or requirement imposed by Canada will constitute a default under the Contract.

Signature: _____
Date: _____

Optional

For data purposes only, initial below if your business already has its own vaccination policy or requirements for employees in place. Initialing below **is not** a substitute for completing the mandatory certification above.

Initials: _____

Information you provide on this Certification Form and in accordance with the Government of Canada's COVID-19 vaccination requirement for Supplier personnel will be protected, used, stored and disclosed in accordance with the Privacy Act. Please note that you have a right to access and correct any information on your file, and you have a right to file a complaint with the Office of the Privacy Commissioner regarding the handling of your personal information. These rights also apply to all individuals who are deemed to be personnel for the purpose for the Contract and who require access to federal government workplaces where they may encounter public servants.

Annex iii – Follow-up letter template

Instructions: This follow-up letter should be sent out, on November 1, 2021, to Suppliers who have not yet returned their completed COVID-19 Vaccination Requirement Certification Form.

Contracting authorities must send this letter with a COVID-19 Vaccination Requirement Certification Form for existing contracts, found in [Annex ii](#).

[Insert Supplier name and address]

[Insert date]

Dear *[Insert Supplier representative's name]*,

This letter is in follow-up to our initial letter sent on *[Insert date the first letter was sent]*.

As indicated in that letter, the Government of Canada is committed to protecting the health and safety of its employees. On October 6, 2021, the Government of Canada announced its [Policy on COVID-19 Vaccination for the Core Public Administration Including the Royal Canadian Mounted Police](#). COVID-19 vaccines are a critical tool that reduce the risk of COVID-19 and protect broader public health.

In alignment with this important measure, all Supplier and subcontractor personnel who access federal government workplaces where they may encounter public servants, will also be required to be fully vaccinated against COVID-19. This requirement will enter in effect on November 15, 2021.

[Select one:

If no Certification Form has been received:

Our initial letter to you outlined this requirement, as well as provided you with the COVID-19 Vaccination Requirement Certification Form, which must be completed and returned to me. To date, **we have not yet received your completed COVID-19 Vaccination Requirement Certification Form.**

If an incomplete Certification Form was received (e.g., missing in-scope contracts, missing fields, amendments made, etc.):

We have received your Certification Form, **however, (briefly outline the issues with the initial certification)]**

It is required that you complete and return this mandatory certification by November 12, 2021. If the certification is not duly completed and returned to us by this time, we may issue a stop work order and consider terminating the contract(s).

I have attached the COVID-19 Vaccination Requirement Certification Form to this letter. Please return it to me by November 12, 2021, to avoid any disruptions to your contract.

Thank you,

[Insert signature and contact information of sender]