

Addendum to 2021 FEMA Standard Tender of Service: Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors

Effective Date: November 14, 2021

Definition

As used in this section the United States or its outlying areas means:

- The fifty U.S. States;
- The District of Columbia;
- The commonwealths of Puerto Rico and the Northern Mariana Islands;
- The territories of American Samoa, Guam, and the United States Virgin Islands;
and
- The minor outlying islands of Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, and Wake Atoll.

Authority

This section implements Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors, dated September 9, 2021 (published in the Federal Register on September 14, 2021, 86 FR 50985).

Compliance

The TSP (Transportation Service Provider) shall comply with all guidance, including guidance conveyed through Frequently Asked Questions, as amended during the performance of this tender of service, for TSP or subcontractor workplace locations published by the Safer Federal Workforce Task Force (Task Force Guidance) at <https://www.saferfederalworkforce.gov/contractors/>.

Subcontracts

The TSP shall include the substance of this provision, including this paragraph, in subcontracts at any tier that exceed the Simplified Acquisition Threshold (SAT), as defined in Federal Acquisition Regulation 2.101 on the date of subcontract award, and are for services performed in whole or in part within the United States or its outlying areas identified above.

Applicability

(1) The provision is required in the following:

- Contracts or contract-like instruments for services covered by the Service Contract Act, 41 U.S.C. § 6701
- Requirement applies to services performed for bills of lading above the SAT, (currently \$250,000). It is strongly encouraged for bills of lading at or below the SAT.

(2) This order shall not apply to:

- Grants;

- Contracts, contract-like instruments, or agreements with Indian Tribes under the Indian Self-Determination and Education Assistance Act (Public Law 93-638), as amended;
- Contracts or subcontracts whose value is equal to or less than the SAT, as that term is defined in section 2.101 of the Federal Acquisition Regulation;
- Employees who perform work outside of the United States or its outlying areas, as those terms are defined in section 2.101 of the Federal Acquisition Regulation; or
- Subcontracts solely for the provision of products.

Continued Participation and Renewal

Once an applicant has been approved to participate, continued participation depends upon:

- A TSP's continued compliance with the provisions and Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors