

## **Significant Changes For the GSA Multiple Award Schedule (MAS) Solicitation and other FAS contract vehicles** (Interact post attachment)

*DISCLAIMER: GSA FAS is posting this notification of a planned solicitation refresh or mass modification as a courtesy to industry. All comments on the attached DRAFT document must be submitted in the “Comments” section below within ten (10) business days of this posting. Comments provided elsewhere or after 10 business days will not be considered. GSA FAS will consider all relevant comments and make changes to the DRAFT as appropriate, but will not issue a formal response to industry comments or related inquiries. Interested parties should thoroughly review the final version of the solicitation refresh or mass modification for changes made to this DRAFT.*

GSA anticipates that the Schedule refresh and issuance of mass modifications will begin around **October 8th, 2021**.

FAS contract vehicles other than Schedules will also begin issuing electronic modifications beginning on or around October 15th.

**Purpose of the Planned Action (Refresh/Update to new solicitations and modifications to existing contracts):** The General Services Administration (GSA) Federal Acquisition Service (FAS) is planning to refresh the GSA Multiple Award Schedule (MAS) solicitation and update new or existing solicitations for other FAS contracts to implement the [Executive Order \(E.O.\) on Ensuring Adequate COVID Safety Protocols for Federal Contractors](#). GSA/FAS will also issue modifications to other applicable FAS contracts to implement the Executive Order and GSA class deviation.

**Summary of Planned Changes** Below is a high-level description of significant changes to be included in the upcoming MAS refresh/solicitation updates and mass modifications. Be sure to review the final solicitation refreshes and mass modifications for full details.

### **Implementation of the E.O. on Ensuring Adequate COVID Safety Protocols for Federal Contractors**

President Biden announced that vaccination will be required for contractors that do business with the Federal Government in his [COVID-19 Action Plan](#) (See “Vaccinating the Unvaccinated”). The President also signed the [Executive Order \(E.O.\) on Ensuring Adequate COVID Safety Protocols for Federal Contractors](#) on September 9, 2021, which directs executive departments and agencies to implement this policy consistent

with guidance issued by the [Safer Federal Workforce Task Force](#). The E.O. requires agencies to ensure that contracts and contract-like instruments include a clause incorporating COVID-19 vaccination requirements consistent with guidance issued by the Safer Federal Workforce Task Force and to the extent permitted by law.

### **IMPORTANT!**

On September 30th, 2021, GSA issued [Class Deviation 2021-13](#) to implement this requirement for GSA contracts. The deviation requires that Federal Supply Schedule (MAS) contractors accept the modification by **November 14th** (see Attachment C). For applicability for other than MAS contracts for FAS, refer to the GSA Class Deviation (see Attachment C). For MAS contracts that have **not** incorporated this modification by November **14th**:

- No options or extensions may be exercised until the modification has been finalized
- Contracting officers cannot place new orders against the MAS contract after November **14th**
- GSA Contracting Officers may take interim actions, such as but not limited to:
  - Temporarily hiding contractor information on GSA websites and/or e-tools
  - Flagging contractors that have not accepted the modification

Accordingly, the following clause will be **ADDED**:

- **Clause 52.223-99**

The clause requires contractors to comply with all guidance, including guidance conveyed through, Frequently Asked Questions, as amended during the performance of this contract, for contractor workplace locations published by the Safer Federal Workforce Task Force. The current task force guidance is available [here](#).

The guidance requires contractors and subcontractors with a covered contract to conform to the following workplace safety protocols:

1. COVID-19 vaccination of covered contractor employees, except in limited circumstances where an employee is legally entitled to an accommodation;
2. Compliance by individuals, including covered contractor employees and visitors,

with the Guidance related to masking and physical distancing while in covered contractor workplaces; and

3. Designation by covered contractors of a person or persons to coordinate COVID-19 workplace safety efforts at covered contractor workplaces.

### **For more information**

Please see the GSA Covid-19 [website](#) for the latest information and updates, including GSA policies and guidance, GSA industry webinar information, and FAQs.

### **Updated Clause:**

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## **52.223-99 Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors.**

### **ENSURING ADEQUATE COVID-19 SAFETY PROTOCOLS FOR FEDERAL CONTRACTORS (OCT 2021) (DEVIATION)**

(a) *Definition.* As used in this clause -

*United States or its outlying areas* means—

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

(b) *Authority.* This clause 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).

(c) *Compliance.* The Contractor shall comply with all guidance, including guidance conveyed through Frequently Asked Questions, as amended during the performance of this contract, for contractor workplace locations published by the Safer Federal

Workforce Task Force (Task Force Guidance) at [https://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc\\_20210922.pdf](https://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc_20210922.pdf).

(d) Subcontracts. The Contractor shall include the substance of this clause, including this paragraph (d), in subcontracts at any tier that exceed the simplified acquisition threshold, as defined in Federal Acquisition Regulation 2.101 on the date of subcontract award, and are for services, including construction, performed in whole or in part within the United States or its outlying areas.

(End of clause)]

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