

# SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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## MEMORANDUM

**TO:** All BART Contractors & Consultants **DATE:** October 29, 2021  
**FROM:** General Manager  
**SUBJECT:** BART Board Approves COVID-19 Vaccine Mandate for Contractors & Consultants


On October 14, 2021, the BART Board of Directors voted 8-1 to approve a policy statement mandating COVID-19 vaccinations of employees, Board members, contractors, and consultants. I encourage all BART consultants, contractors, and suppliers to read the full policy statement enclosed with this correspondence. A recording of the October 14<sup>th</sup> Board meeting can be found on [bart.gov/board](http://bart.gov/board) [here](#) with the item of discussion beginning at the 1:36:44 mark.

The approved policy requires consultants and contractors that perform work on BART property to be fully vaccinated against COVID-19. Subject to the District's General Conditions for Construction and Procurement Contracts, Articles GC7.6 and P7.7 "Safety and First Aid Requirements", Article 23.0 "Laws and Regulations" of the District's Professional and Technical Services Agreements, and all District System Safety procedures and protocols, the requirement to be fully vaccinated shall apply to all full-time or part-time personnel of any Contractor, Consultant, or Supplier, (as well as their Subcontractors, Subconsultants, or Subsuppliers at any tier) performing work on District property, (hereinafter "Covered Contractor" or "Covered Contractor Personnel").

All Covered Contractors currently performing work on BART contracts must certify by **December 13, 2021**, that all Covered Contractor Personnel are fully vaccinated against COVID-19. All new Covered Contractors commencing work on District property after that date must certify that all Covered Contractor Personnel are fully vaccinated prior to the start of performance. After **December 13, 2021**, any Covered Contractor Personnel who are not fully vaccinated will not be permitted on BART property unless they become fully vaccinated. For the purposes of this policy, an individual is considered "fully vaccinated" two weeks after receiving a second dose in a two dose series such as the Pfizer or Moderna vaccines, or two weeks after receiving a single dose vaccine, such as Johnson & Johnson's Jassen vaccine, or having received any other vaccine regime approved by the Centers for Disease Control.

As part of a Covered Contractor's certification, all Covered Contractors must maintain documentation (i.e. vaccination record cards, personnel immunization records) demonstrating that all Covered Contractor Personnel have been fully vaccinated. The District reserves the right to obtain and review such documentation from the Covered Contractor in order to verify compliance with this Vaccine Mandate.

If you have any questions regarding this Vaccine Mandate or the contents of this correspondence, please email the BART Procurement Department at: [bartprocurementsupport@bart.gov](mailto:bartprocurementsupport@bart.gov).

  
Robert M. Powers

Attachment



## Coronavirus Pandemic – (COVID-19)

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### **Statement of Policy:**

The Coronavirus Pandemic of 2019 (“COVID-19”) has brought tremendous challenges to the San Francisco Bay Area Rapid Transit District (“BART”). Since the national emergency shutdown in March 2020, when ridership dropped below 5%, BART has lost over 20,960 days of productivity and had 2,377 employees use pandemic related leave demonstrating the breathtaking toll the pandemic has had on our staff and service. Those effects continue as we face challenges with the Delta variant increasing the transmissibility of the disease. In response to the pandemic and its variants, numerous federal, state, and local entities, including three of the four largest counties in the Bay Area, have implemented vaccination requirements to protect workers and the public.

Whereas in winter 2020 BART saw between a three- and nine-fold increase in cases, and the current prevalence of the Delta variant causing positive cases at a 54% higher rate for unvaccinated employees, BART must take responsible action to protect our ability to function. BART has a duty to provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as services reopen and more employees return to workplaces.

According to the federal Centers for Disease Control and Prevention (“CDC”), the California Department of Public Health (“CDPH”), and County Health Officers, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. Unvaccinated employees are at greater risk of contracting and spreading COVID-19 within the workplace and BART facilities, as well as to the public that depends on our services.

Therefore, all BART employees and Board members shall be fully vaccinated against COVID-19 by December 13, 2021, with exceptions made only for those who qualify for a Reasonable Accommodation or a Religious Exemption. The Board also directs the General Manager to bargain over the policy and impacts of this decision prior to the requested implementation of the policy on December 13, 2021. During this time the Board directs BART to prioritize culturally competent outreach and conduct an education campaign for the remaining unvaccinated population. Finally, the Board directs the General Manager to implement vaccination requirements for consultants and contractors who perform work on BART property.

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