

December 16, 2021

Dear ORNL Supplier:

COVID-19 Site Access Update

On November 15, 2021, UT-Battelle LLC (UT-Battelle) issued a letter to suppliers stating that, effective after January 18, 2022, all employees of subcontractors and sub-tier contractors—at any tier—who require access to Oak Ridge National Laboratory (ORNL), including leased facilities, must be fully vaccinated. **Due to recent legal challenges to the federal government’s vaccine mandate, ORNL is changing this requirement.**

- On November 30, 2021, a federal court in Kentucky enjoined the Federal Government from enforcing the vaccine mandate for federal contractors and subcontractors in Kentucky, Ohio, and Tennessee.
- As a result of the order above, on December 1, 2021, the Tennessee Comptroller’s Office suspended all exemptions from Tennessee law issued under T.C.A 14-6-102, which included ORNL’s exemption.
- On December 7, 2021, a federal court in Georgia issued an order that enjoined the government from enforcing the vaccine mandate for federal contractors and subcontractors in all covered contracts in any state or territory of the United States of America.

To comply with these court and state actions, ORNL is changing Site Access Requirements to allow testing for UT-Battelle employees and nonemployees (including those who are employees of subcontractors and sub-tier contractors) who are unvaccinated or who decline to disclose their vaccination status. The Site Access Requirements below are effective immediately, but ORNL will not enforce them under subcontracts until January 19, 2022. Each subcontractor is responsible for ensuring their employees who require onsite access at ORNL comply with these requirements.

Updated Site Access Requirements (effective December 16, 2021, but not enforced under subcontracts until January 19, 2022): All employees of subcontractors and sub-tier contractors—at any tier—who require access to ORNL, including leased facilities, must be fully vaccinated according to the Centers for Disease Control and Prevention criteria in effect on the requested date of entry **or** be subject to COVID-19 testing no less than once per week. Subcontractor and sub-tier contractor employees who are unvaccinated or who decline to disclose their vaccination status will not be permitted access to the site until they are vaccinated **or** receive a negative COVID-19 test result within 72 hours prior to access and subsequently no less than once per week for the duration of the access requirement.

A negative COVID-19 viral test report that contains the person's name and date of testing is required. A viral test checks for an active infection with the virus that causes COVID-19. Viral tests can be performed in a laboratory, at a testing site, or at home or anywhere else. Two types of viral tests are used: nucleic acid amplification tests (NAATs) and antigen tests. Subcontractors at each tier must ensure their employees who work on site at ORNL meet these vaccination or testing requirements for the duration of the access requirement. Subcontractors must ensure any lower tier subcontractors are aware of these updated Site Access Requirements in accordance with the *Facilities Access and Badges* clause of your subcontract.

UT-Battelle still plans to require onsite subcontractors to be fully vaccinated to help ensure onsite health and safety, if such a requirement is ultimately determined to be allowable by law.

Communication Is Important: Suppliers are a crucial part of ORNL's success. We value our relationship with you and want to work together throughout this process to ensure ORNL's critical mission continues to be accomplished. As we all continue to navigate an ever-evolving landscape regarding COVID-19, we will provide communication as promptly as possible as things change.

We truly appreciate your patience and continued support of ORNL. If you have questions related to this change, please send them to supplierquestions@ornl.gov.

Sincerely,

Brooks Baldwin
Division Director, Contracts

BB:tlh