

COVID – 19 Vaccination-Related Purchase Exception

Effective Immediately, Washington State Agency Purchases that Replace Goods and Services Provided by Contractors that Do Not Comply with Proclamation 21-14.1 Are Excepted From Competitive Solicitation Laws and Policies

On March 2, 2020, Governor Jay Inslee declared a state of emergency due to the coronavirus pandemic. On August 9, 2021, in response to the continued worldwide spread of COVID-19, the Governor ordered [Proclamation 21-14](#), which was updated in [Proclamation 21-14.1](#) on August 20, 2021. Any worker required to be fully vaccinated under this Proclamation or has been granted a disability or religious accommodation who fails to comply will be barred from providing goods and services to the State.

It is anticipated that agencies may need to replace goods and services that are currently provided by contractors or suppliers who do not comply with requirements in the proclamation. Because of the uncertainty introduced into current availability of goods and services that will meet requirements in the proclamation, it is unknown how many existing contracts for goods and services will have to be replaced. A purchase exception from competitive solicitation laws and policies is necessary in these circumstances because a competitive process would not meet immediate needs in the conduct of state business.

The DES Director has the authority to except procurements from competitive solicitation requirements when such purchases are in the best interest of the state. See RCW 39.26.125(4). Procurements for goods and services that are needed to replace goods and/or services that were previously obtained from contractors and suppliers who do not meet requirements in Proclamation 21-14.1, are excepted from competitive solicitation.

Agency Reporting Requirements

During this time, all Washington state agencies that use this purchasing exception must prepare a log of their expenditures per the instructions in [Proclamation 21-14.1 Purchase Template](#).

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