



Date: February 4, 2022

To: Procurement Policy Council

From: Janice Pistor
Chief Procurement Officer
Department of General Services, Bureau of Procurement

RE: Implementation of Executive Order 2021-06, *Worker Protection and Investment*

On October 21, 2021, Governor Tom Wolf signed Executive Order 2021-06, *Worker Protection and Investment*. The Executive Order affirms that the Commonwealth is responsible for ensuring that every worker in Pennsylvania has a safe and healthy work environment and the protections afforded them through labor laws. To that end and in accordance with the Executive Order, contractors and grantees of the Commonwealth must certify that they are in compliance with Pennsylvania's Unemployment Compensation Law, Workers' Compensation Law, and all applicable Pennsylvania state labor and workforce safety laws including, but not limited to:

1. Construction Workplace Misclassification Act
2. Employment of Minors Child Labor Act
3. Minimum Wage Act
4. Prevailing Wage Act
5. Equal Pay Law
6. Employer to Pay Employment Medical Examination Fee Act
7. Seasonal Farm Labor Act
8. Wage Payment and Collection Law
9. Industrial Homework Law
10. Construction Industry Employee Verification Act
11. Act 102: Prohibition on Excessive Overtime in healthcare
12. Apprenticeship and Training Act
13. Inspection of Employment Records Law

To ensure compliance with these statutes, Contractor and Grantees will be required to submit the Worker Protection and Investment Certification Form (BOP-2201) in response to all procurement solicitations (invitations for bids, requests for proposals, requests for quotes, emergency procurements and sole source procurements) and grant applications and or requests for applications for grants. Agencies subject to the Executive Order may not award contracts or grants until the certification form is received. The form is available on the Department of General Services collaboration site (<https://collab.pa.gov/dgs/home/BOP/Documents/Request%20For%20Proposal%20Documents/Development/BO-P-2201%20EO%202021-06%20Worker%20Protection%20Form%20BOP%20FINAL.docx>) but is also attached to this communication.

In accordance with the requirements of the Executive Order, The Department of General Services has developed language to be included in solicitations for contracts and grants. Specifically, in Jaggaer, a new question has been put into the template and the Worker Protection and Investment Certification

Form should be attached to that question. For all other procurements (in SRM or paper solicitations), the following language should be placed in the Statement of Work in addition to including the Form with the solicitation documents:

Pursuant to Executive Order 2021-06, *Worker Protection and Investment* (October 21, 2021), the Commonwealth is responsible for ensuring that every Pennsylvania worker has a safe and healthy work environment and the protections afforded them through labor laws. To that end, contractors and grantees of the Commonwealth must certify that they are in compliance with all applicable Pennsylvania state labor and workforce safety laws. Such certification shall be made through the Worker Protection and Investment Certification Form (BOP-2201) and submitted with the bid, proposal or quote.

In addition, the Pennsylvania Department of Labor and Industry has created a public list of business that have been found to be non-compliant with Pennsylvania state labor and workforce safety law which will be published on its public-facing website. Agencies are required to ensure that prospective contractors or grantees are not on the list prior to awarding any contract or grant. The link to the Department of Labor and Industry's website is: www.dli.pa.gov/Pages/Non-Compliance-List.aspx. Questions regarding inclusion on the list should be directed to the appropriate bureau with the Department of Labor and Industry.

These requirements of the Executive Order are currently in effect. A notice has been sent to all contractors and grantees with Commonwealth supplier numbers. A copy of that notice is attached for your convenience. Please note that potential contractor and grantees have been directed to the issuing agency for any questions regarding this initiative.

In addition, a set of Frequently Asked Questions (FAQs) has been developed for internal Commonwealth use only. This document was created to assist agencies in the implementation of this Executive Order and should not be disseminated outside of the agency. A copy of the current FAQs for internal use only is attached to this communication. Please consult your Legal and Policy contacts for additional questions.