



BUILDING AMERICA®

October 19, 2021

Dear Supplier,

This letter is to notify you of a new compliance requirement that Union Pacific will be implementing beginning October 19, 2021. As a federal contractor, Union Pacific is required to comply with legal requirements and, in some cases, require its contractors and subcontractors to comply with those legal requirements as well. As a result, there is a new requirement that Union Pacific suppliers who provide services to Union Pacific may be required to comply with:

If applicable, in accordance with Federal Acquisition Regulation (FAR) **52.223-99 Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors**,

- 1) Suppliers will be required to conform to the following workplace safety protocols:
 - All employees must be fully vaccinated for COVID-19 by December 8, 2021, except in limited circumstances where an employee is legally entitled to an accommodation.
 - All individuals, including supplier employees and visitors, must comply with the guidance, including guidance conveyed through Frequently Asked Questions, as amended during the term of their agreements with Union Pacific, that is published by the Safer Federal Workforce Task Force (Task Force Guidance) at <https://www.saferfederalworkforce.gov/contractors/> and
 - Suppliers must designate a person or persons to coordinate the implementation of and compliance with the COVID-19 workplace safety requirements at workplaces controlled by the supplier where the suppliers' employees work or are likely to work to perform services for Union Pacific.
- 2) Suppliers will be required to incorporate the same requirements into any subcontracts with service providers who will perform services under a Union Pacific contract.

As a result, effective October 19, 2021, the terms and conditions located at <https://www.up.com/suppliers/terms/> will be updated to include the following statement:

- "If applicable, Supplier shall comply with Federal Acquisition Regulation (FAR) **52.223-99 Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors**, including, but not limited to, all guidance, including guidance conveyed through Frequently Asked Questions, as amended during the performance of agreements subject to these terms conditions, that is published by the Safer Federal Workforce Task Force (Task Force Guidance) at <https://www.saferfederalworkforce.gov/contractors/>. Additionally, Supplier shall include the substance of this clause, including this sentence, in subcontracts under such agreements 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 (as defined in FAR 52.223-99).”

This only impacts agreements entered into after October 19, 2021, and extensions or modifications of existing agreements after October 19, 2021. For your convenience, additional information is available here:

- <https://www.saferfederalworkforce.gov/contractors/>

Union Pacific values its relationship with you. We appreciate your prompt attention to these important legal and regulatory obligations.

Sincerely,



Clark J. Ponthier
Senior Vice President
Supply Chain