



Advice for Contractors during the Coronavirus Pandemic

Among a broad range of issues facing the construction industry during the current public health crisis, contractors should be diligent in understanding, communicating, and documenting their contractual rights and responsibilities with regard to project delays, suspensions, and terminations due to unforeseen and uncontrollable circumstances of the coronavirus pandemic.

There have been several excellent papers and other documents published by industry associations and law firms providing recommendations to contractors during this crisis. In particular, the [Client Alert](#) authored by attorneys from Peckar & Abramson, PC and published by ConsensusDocs offers comprehensive yet concise advice.

Highlights of this alert include the following:

1. Understand the terms and conditions of your **contract** for construction with regard to **circumstances outside of the contractor's control** that may impact the **schedule** of project delivery and provide a means to establish a basis for **additional time** and possibly **additional compensation**.
2. **Communicate** with and provide **written notice** to your clients on each project for claims for delay in accordance with contractual requirements.
3. Be **thorough** and **fact-specific in documenting** schedule and cost impacts for each project including impact on subcontractors, suppliers, and material delivery.
4. Be proactive in **developing a plan of action to reduce the impact of damages** that may occur due to schedule delays.
5. Consider office and jobsite **safety** issues unique to the pandemic and abide by the recommendations and mandates of governmental officials in the jurisdiction of each project.

[Click here](#) to read the full article.

Other helpful resources:

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- AGC: [Coronavirus \(COVID-19\)](#)
- Gordon & Rees: [Construction Law Blog](#)
- Gordon & Rees: ["Force Majeure and COVID-19 | Construction Contracts – What You Need to Know"](#) Blog Post
- ENR: Special Report ["Latest Updates on the Coronavirus Pandemic"](#)
- ACEC: [ACEC Coronavirus Resource Center](#)

Special Notice:

The current coronavirus pandemic is and will undoubtedly continue to impact the design and construction industry. Berkley Construction Professional (Berkley CP) is committed to providing well-sourced risk management advice that is useful to you and your company during this unprecedented time. We understand that each company—and each project—is unique and may face different issues; therefore, a "one size fits all" approach isn't practical.

Berkley CP will strive to provide relevant content that assists you in reducing your risk through this event. However, it is critical that you understand Berkley CP is offering general advice and recommendations for its broad base of construction professional customers, the advice and recommendations do not and should not be construed as legal advice, and your company should independently assess the advice and recommendations based upon its unique facts and circumstances and consult with its own legal counsel before implementing any actions referenced in the Berkley CP risk management material.

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Practice management recommendations should be carefully reviewed and adapted for the particular project requirements, company standards and protocols established by the construction professional.

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