

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:

These hyperlinks are provided solely for your convenience, and do not imply Berkley Construction Professional's approval or endorsement of such sites or the content therein; nor do they imply any endorsement of Berkley CP by the organizations or sites.

- 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.

About Berkley Construction Professional

Berkley Construction Professional was founded by a team of insurance professionals with a passion for the construction industry and deep roots in construction professional underwriting, risk management, and claims. We are entirely dedicated to serving the professional and pollution liability insurance needs of the construction industry and have the authority to quickly provide solutions that best serve our clients' needs. Berkley Construction Professional is a division of Berkley Alliance Managers which is a member company of Berkley whose rated insurance company members are assigned an A+ (Superior) rating by A.M. Best Company. Berkley is an insurance holding company that is among the largest commercial lines writers in the United States and operates worldwide in two segments of the property casualty insurance business: Insurance and Reinsurance.

For more information, contact:

Ray Bustamante

Managing Director
rbustamante@berkleycp.com
973.600.0926

Eric Smentowski

Senior Vice President
esmentowski@berkleycp.com
312.705.1122

Ashley Harrell

Underwriter
aharrell@berkleycp.com
312.368.3458

Ed Sheiffele

Executive Vice President
esheiffele@berkleycp.com
973.775.7492

John Witkiewicz

Senior Underwriter
jwitkiewicz@berkleycp.com
770.910.1016

Joe Rosario

Underwriter
jrosario@berkleycp.com
312.368.1141

Peter Brooks

Senior Vice President
pbrooks@berkleycp.com
720.360.7500

Sean Brown

Underwriter
sebrown@berkleycp.com
973.775.3368

Lauren Taylor

Underwriter
lataylor@berkleycp.com
212.822.3396

Chris McQueen

Senior Vice President
cmcqueen@berkleycp.com
770.910.1015

Annie Buelow

Underwriter
abuelow@berkleycp.com
312.705.1128

Rahsaan Nurullah

Executive Underwriter
W/R/B Underwriting
rnurullah@wrbunderwriting.com
+44.0.207.337.9120

David Pacifici

Senior Vice President
dpacifici@berkleycp.com
818.291.6231

Courtney Fowler

Underwriter
cfowler@berkleycp.com
770.910.1020

Peter Clarke

Underwriter
W/R/B Underwriting
peclarke@wrbunderwriting.com
+44.0.207.280.9062



412 Mt. Kemble Avenue, Suite G50
Morristown, NJ 07960

In California:

a division of Berkley Managers Insurance Services, LLC
CA License #0H05115

berkleycp.com | 973.775.7492

Disclaimer: Products and services described above are provided through various surplus lines insurance company subsidiaries of W. R. Berkley Corporation and offered through licensed surplus lines brokers. Not all products and services may be available in all jurisdictions, and the coverage provided by any insurer is subject to the actual terms and conditions of the policies issued. Surplus lines insurance carriers do not generally participate in state guaranty funds and insureds are therefore not protected by such funds.