

Contractor Performance Issues Due to Limited Site Access

Challenges to contractors' ability to fulfill their contractual obligations for performance on active construction projects during the current pandemic are numerous and complex.

This [paper](#), authored by attorneys from Gordon & Rees, provides concise advice to contractors to comply with contractual duties and minimize exposure for costs associated with COVID-19 related project delays in these key topic areas:

- Essential and Non-Essential Construction – what is allowable, what is prohibited
- Contractual notice provisions
- Communication with the project team: owner, subcontractors, suppliers
- Protection of the jobsite
- Emergency work including safety provisions, OSHA requirements
- Project status documentation and photography: work in place, material stored, supplier invoices, evidence of potential claims
- Schedule updates and change order requests
- Suppliers and supply chain issues
- Liens and other notices
- Business interruption coverage
- Completion bond potential

[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.