

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.

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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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BCP Form #: PERFORM-53005-1120