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The Second Wave: Anticipating and Preparing For New Covid-19 Construction Shutdowns



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Unfortunately, we have seen an unprecedented spike in COVID-19 cases over the past few weeks. We have also been warned that this winter will be a dark and difficult time, and that the pandemic will likely get significantly worse before vaccines are widely available and we begin our return to normalcy. While we believe the future of the construction industry is bright, it is likely that over the next several months, we will see more shutdowns and work stoppages required by governmental orders and illness and that economic hardships may also impact the ability to commence or continue projects. That being said, there are several actions that contractors and owners should consider in light of these looming lockdowns:

Site Security Protection

Although most projects proceeding during the pandemic have adopted site safety plans, parties should prepare for additional lockdowns and works stoppages in several ways:

- Necessary steps should be taken to winterize sites and equipment in those parts of the country that face cold weather and snow. This includes securing the building envelope to face the winter weather. The same is true for portions of the country which will be facing rainy seasons.
- Consider enhanced security measures, including but not limited to, fencing or barriers; electronic security; guard services; proper safeguarding of equipment and materials onsite from the weather and theft and consider moving large equipment that cannot be secured off-site for safe-keeping.
- Properly secure or remove any temporary structures onsite.
- Consult the project's builders risk carrier to obtain advance approval for shutdown security steps and so as to obtain additional suggestions for security. Make sure you understand any security requirements set forth in your policy. Finally, make sure all policy periods are extended to reflect anticipated delays.
- Once a plan is in place, make sure it can be implemented on short notice. During the first round of shutdowns, projects were shut down with little or no notice.

Determine If Work Can Be Accelerated Or Fast-Tracked

If you are concerned about upcoming shutdowns, a determination should be made to see if it is feasible to accelerate the schedule to finish early. An evaluation will have to be made to determine whether it is financially feasible to do so and whether there is sufficient manpower to accelerate work. The costs may be worth it if the alternative is to have a project sit dormant for weeks or longer.

Phasing Work

The parties can also determine if it makes sense to try and break the remaining work into bite sized pieces. In other words, can the project be divided into phases so that any starting and stopping will be more natural and cause less disruption? Also consider phasing based on social distancing requirements. You may be able to first complete portions of the work where proper distancing can be achieved and in subsequent phases, finish work which requires a more densely populated work zone.

What Can Be Done Off-site During A Shutdown

Downtime can be used by the construction team for many things that would not often be done, but are valuable:

- Since there is a break, the parties can consider whether they believe any design or construction modifications are advisable.
- The pause can be used to look at possible material shortages or delivery lags, and shop for the best prices even if the delivery time might be a bit longer.
- Use the stoppage to examine any potentially difficult issues. Whether the issues are existing or anticipated, the parties can develop a plan to address those concerns sooner rather than later.

Recordkeeping

In anticipation of shutdowns, the parties should prepare current and detailed records to avoid disputes following the return to work. Good record keeping can help not only to alleviate pricing and scheduling disputes but can be of great use when restarting your project, especially if work has been stopped for some time. Knowing precisely where your team left off, how equipment and materials were secured and what protocols should be re-reviewed prior to commencing work, will lead to a much more efficient remobilization of your project team following any shutdown.

Maintain Construction Team If Possible

Every effort should be made to keep your construction team together even if your project is shut down. First and foremost, having a knowledgeable team who is familiar with the intricacies of your project prior to shutdown will be of great benefit when restarting your project. Although it may be difficult to retain certain team members in the event of shutdown, phasing your project, reallocating your resources, developing a remote work plan and even project acceleration prior to any closure may help you retain as much of your team as possible. Something as simple as regular communications, just to check in, can be helpful.

While the construction industry is, regrettably, familiar with project shutdowns, government restrictions, illness and economic problems generated by the COVID-19 pandemic, now is not the time to forget those lessons learned during prior phases. The next wave of disruption may have an expiration date due to the likelihood of a vaccine, but it will be no less devastating for those who are unprepared. Taking a few of the basic steps outlined above will not insulate parties from the potentially devastating consequences of the newest surge, but doing so can certainly minimize the impact.