



AGC
THE CONSTRUCTION
ASSOCIATION

AGC survey of State DOT Response to COVID-19

AGC chapters report that generally speaking most state DOT construction programs are moving ahead as scheduled and are not directly impacted by COVID-19 related shutdowns. Many state office personnel are telecommuting but, in most states, construction inspectors are considered essential and, therefore, are reporting to work and visiting on-going projects.

FHWA has not issued specific guidance to states related to COVID-19 impacts on Federal-aid construction projects.

Generally, FHWA expects State DOTs to follow their own policies and contract provisions in reviewing claims or time extension requests related to material or labor shortages. Many DOTs have communicated to AGC chapters their policies and procedures for work disruptions.

Many State DOT standard specifications provide for excusable, non-compensable time extensions for regional material shortages. It is unclear if these specifications cover situations where projects are shut down because of quarantines. Some states rely on Force Majeur clauses in their contracts.

Survey Results:

AGC chapters report that the following state DOTs have implemented construction program reductions due to COVID-19 concerns:

Pennsylvania: PennDOT has ordered contractors to stop work on federal-aid projects and cancelled two upcoming bid lettings in response to COVID-19.

South Dakota: South Dakota state offices are closed the week of March 16 with only essential employees reporting to work. DOT construction inspectors are not considered essential, so they will not be on project sites this week thus contractors are not allowed to work on DOT projects this week. The only exceptions are two “high priority” projects. SD DOT plans to allow work on all DOT projects next week. An upcoming bid letting has been postponed.)

AGC chapters report that the following state DOTs have responded that they intend to continue their on-going construction projects without delays related to COVID-19 precautions. These DOTs also plan to proceed with already scheduled bid lettings:

Arkansas

Arizona

California (Caltrans also intends to continue work in areas where shelter in place orders are in place. The shelter in place orders exempt public works contract employees. Caltrans will work with contractors to grant non-working days if requested.)

Colorado

Florida (FDOT is considering industry request to waive night-time lane closure restrictions through March 30th and for consultants to make project by project decisions on allowing longer work windows so contractors can get ahead in their work schedules and keep Florida's economy churning.)

Idaho (DOT office shutdown could impact quality assurance testing done by the state lab. Without that contractors will have to stop working even if not ordered to do so.)

Iowa

Indiana

Kentucky

Louisiana

Maine (Maine DOT and Turnpike Authority have not suspended work and will continue with bid lettings. Maine CDC is examining risks with construction sites, but hasn't made any decisions.)

Minnesota

Missouri

Montana

North Carolina - Day for day time extension granted if a contractor elects to suspend construction due to virus.)

North Dakota (Chapter requested Governor lift load restrictions which are common this time of the year.

Nebraska (Governor gave each state agency discretion on how they operate through the COVID-19 crisis.

New Hampshire

New Mexico

Nevada

New York

Ohio

Oregon

South Carolina

Texas (TxDOT will allow extending work times and areas to accelerate projects. Discretion is granted to districts to approve contractor requests for work period and work area extensions to take advantage of the low traffic volumes.

Utah

Virginia (VDOT is looking to accelerate projects due to lower traffic volume.)

Washington (WSDOT has raised the possibility of suspending on-going projects if necessary. Time extensions would be granted but no monetary compensation would be provided.)

West Virginia

Wyoming