

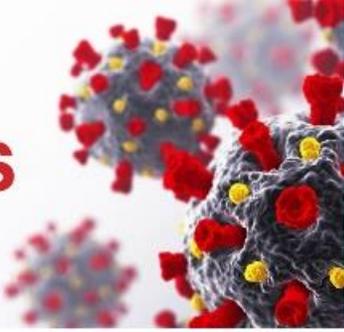


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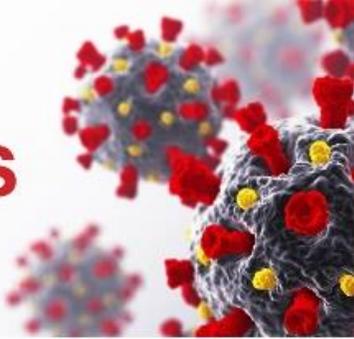


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Collaborative Leadership in Design & Construction in the Age of COVID-19

The information provided during this webinar does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available during this webinar are for general informational purposes only.



Today's Speakers

Moderator

Kelly Hayes McAlonie, FAIA, LEED AP, Director of Campus Planning,
University at Buffalo, The State University of New York

Panelists

Jim Barriere, Esq., Partner, Hinckley Allen Snyder

Joel Lipsky, Operations Manager, Lipsky Construction

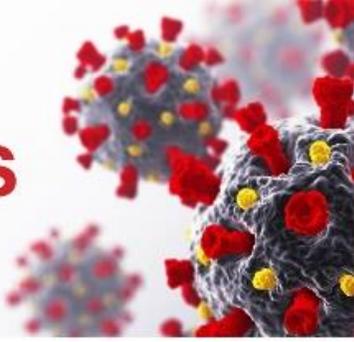
Tara Mulrooney, Esq., Partner, Zetlin & De Chiara LLP

Kirk Narburgh, FAIA, CEO/Managing Partner, King + King Architects, LLP

Michael Spinelli, Esq., AIA, President,
Nassau Suffolk Engineering & Architecture, PLLC

Carl Stewart, III, Vice President & General Manager, Turner Construction

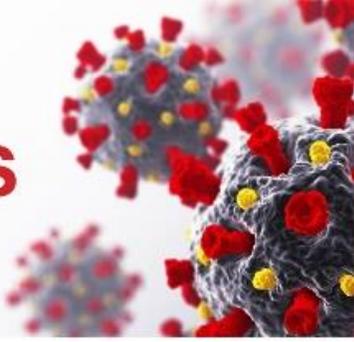
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The Here and Now

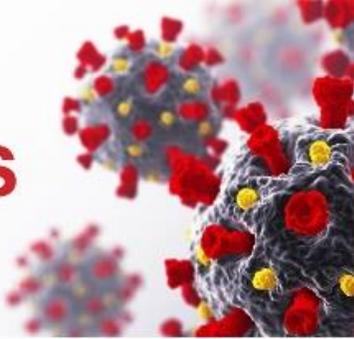
The Project is Proceeding

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The Here and Now

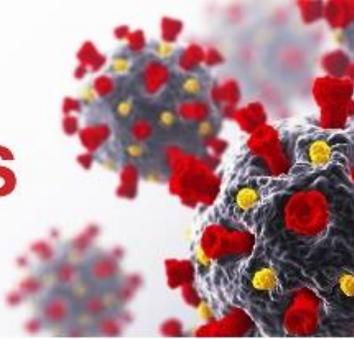
The Project is Proceeding



The Here and Now

The Project is Proceeding **Best Practices**

- **Alignment between Owners, Architects and Prime Contractors is crucial so that expectations about the progress and completion of the work are clear. The Project Team should have candid discussions about the work site, work force and material procurement challenges. Flexibility and realistic goals are key.**
- **Once alignment is achieved, communication should be from the top down so everyone knows that the Owner and design and construction teams share the same goals and objectives.**
- **Set up a template or dashboard on SharePoint to track required information.**

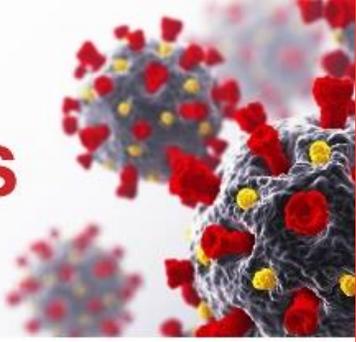


The Here and Now

The Project is Proceeding **Best Practices**

- Track notifications, daily work plans, costs, reimbursement.
- Be aware of and strictly adhere to any notice requirements under your applicable contract. For contractors and design professionals, even if work/services are proceeding, the project schedule and costs will be significantly impacted even though the Project is not entirely shut down. Make sure you are documenting and providing notices of all potential claims for increased contract time and costs/fees stemming from the COVID-19 outbreak, such as schedule implications resulting from a scaled down workforce due to social distancing, as well as availability issues and increased costs for materials resulting from disruption in the supply chain.

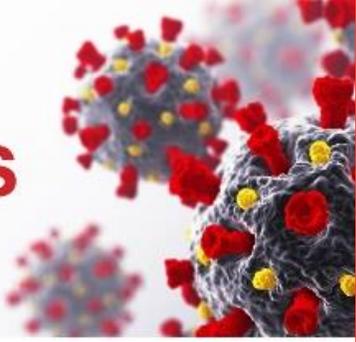
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Be Aware!

The Project is Shut Down!

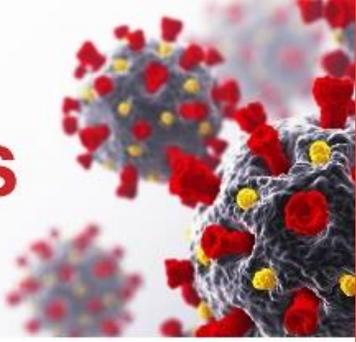
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Be Aware!

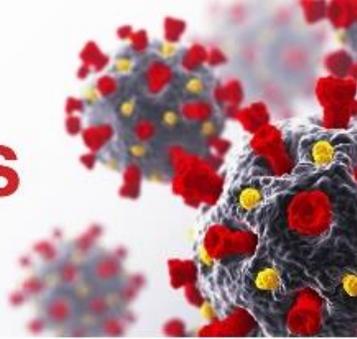
The Project is Shut Down!

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Be Aware!

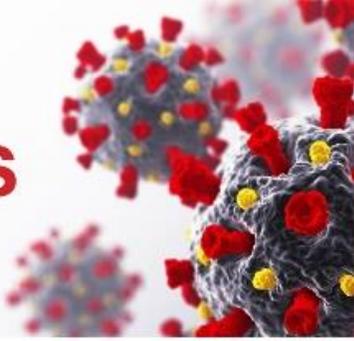
The Project is Shut Down!



Be Aware!

The Project is Shut Down! **Be Aware Tips**

- **Review contract suspension clauses and procedures. Many suspension provisions give parties the right to terminate the contract for convenience after a defined suspension period (*i.e.*, 30 days).**
- **Carefully review your contract for all relevant provisions, which include terms governing the schedule, delays, change order/additional services, termination rights, notice requirements and dispute resolution procedures. Remain acutely aware and observant of available remedies and obligations required under your contract and ensure that you strictly adhere to all notice requirements to avoid waiving any potential claims.**

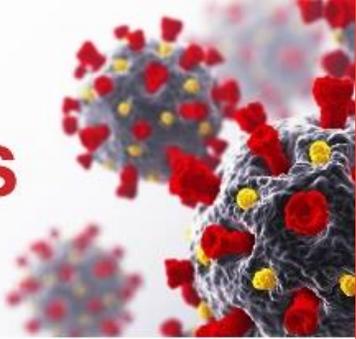


Be Aware!

The Project is Shut Down! **Be Aware Tips**

- **Consider agreeing to a work plan setting forth the services to be performed over the next week or month and the payments to be made for such services. Do this on a weekly or monthly basis for the course of the suspension.**
- **Create daily work plans documenting what work is being done on site and as well as remotely.**
- **Review daily and or weekly with the clients.**
- **Create a startup plan**

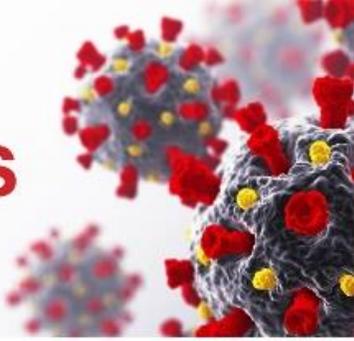
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Looking Down the Road

60-90 Day Bid Opportunities

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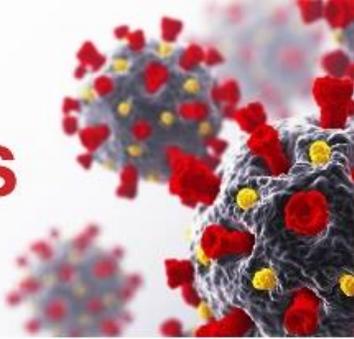


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60-90 Day Bid Opportunities

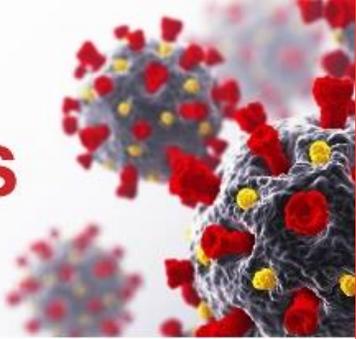


Looking Down the Road

60-90 Day Bid Opportunities **Best Practices**

- **Allow contractors to ask that alternate materials/equipment to be considered prior to bid for those items that are not available or delayed by Crisis.**
- **Make sure design professionals have provisions to do this**
- **Be forward thinking in drafting the Contractor Agreement with the successful bidder. Make sure you think about the potential impacts to the Project resulting from the suspension and craft language in the contract to help clarify and protect your rights.**

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Q&A