

Design and Construction: Challenges in the Age of Coronavirus



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Bernstein Shur's Coronavirus Legal Response Team



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Agenda

- Intro
- Liability & Risk Management
 - Current Status of Construction
 - Construction Sites – Inspection/Worker Safety
 - Claims – including Delay Claims
 - Insurance
- Contracting Considerations
- Q&A
- Closing



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Resources

- Bernstein Shur Website
<https://www.BernsteinShur.com>
- US Center for Disease Control
<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>
- Maine CDC
<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus.shtml>
- Portland Regional Chamber of Commerce
<https://www.portlandregion.com/coronavirus-resources.html>



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Liability & Risk Management

- Current Status of Construction
 - Maine
 - New Hampshire
 - Massachusetts
- Construction Sites – Inspections/Work Safety
 - Social Distancing
 - Temporary Facilities
 - PPE
 - Monitoring



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Liability & Risk Management

- Claims
 - Types of Claims
 - Remedies & Damages
 - What to do now
 - Notice & Communication
 - Record Keeping
 - Contingency Planning
 - Payment Plans



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Liability & Risk Management

- Insurance
 - Workers Compensation
 - General Liability
 - Business Interruption
 - What to do now
 - Notice
 - Record Keeping
 - Follow up if Claim is Denied



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Contracting Considerations

- Public Health Events and AIA A201-2017
 - Price Escalation (7.1)
 - Force Majeure (8.3)
 - Safety (10.2)
 - Termination and Suspension (14.1-14.4)



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Q&A and Final Thoughts



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