



March 20, 2020

Dear Oregon-Columbia, NECA Members and IBEW Local 48 Signatory Contractors:

*Below is information and forms from the law firm, Cohen, Seglias, Pallas, Greenhall and Furman PC addressing COVID-19 delays and suspensions. Roy Cohen and his firm are Associate Members of the Penn-Del-Jersey Chapter and they represent many of our NECA contractors across the United States. Make sure to send them with the caveat that each client might have a slightly different factual pattern which might need to be addressed prior to sending. This information is not meant to be an endorsement of a law firm but is another tool that our members can use to get through these uncertain times.*

The coronavirus crisis is just beginning to cause effects on the construction industry that should continue to reverberate for many months, if not longer. To help navigate these treacherous waters, here are some helpful forms. First, contractors should conduct a thorough review of their current contracts to ensure that they are well prepared to ride out the storm. In doing so, focus on provisions relating to delay, such as the *force majeure* clause, notice and suspension rights. Also, see if your agreements allow for escalation on the cost of materials.

Once you are aware of the requirements of your agreements, the below forms can be used for the purpose of delay notification. We have also included language to put in proposals on private projects. **Note:** Do not amend bid forms on public projects. Finally, a number of our clients have been requested to provide the project owner or construction manager with expected costs in case of a suspension, so we have included a response letter as well as a chart to assist in the breakdown of impact costs.

The forms below for both contractors and subcontractors are as follows:

- [NOTICE TO GENERAL CONTRACTOR OF POTENTIAL DELAY](#)
- [NOTICE TO GENERAL CONTRACTOR OF ACTUAL DELAY](#)
- [NOTICE TO OWNER OF POTENTIAL DELAY](#)
- [NOTICE TO OWNER OF ACTUAL DELAY](#)
- [PROPOSAL LANGUAGE FOR PRIVATE BIDS](#)
- [RESPONSE TO OWNER REQUEST FOR IMPACT](#)
- [RESPONSE TO CONTRACTOR'S REQUEST FOR IMPACT](#)
- [SAMPLE LIST OF IMPACT COSTS](#)

Understand that these forms may need to be revised to fit your particular circumstances.

Sincerely,

Tim Gauthier  
Executive Manager