



Policy Title: Directive 1C-14 COVID-19 Procedures for Consultants and Contractors

Responsible Office: Design & Construction

Last Revised Date: March 25, 2020

Summary:

The intent of this Directive provides guidance to the State University Construction Fund (Fund)'s Consultants and Contractors working on Fund Projects during the COVID-19 outbreak. Executive Order 202.6 (<https://esd.ny.gov/guidance-executive-order-2026>) included construction as an essential industry that must continue to operate in New York State and the Fund is continuing its operations.

- a) For current New York State guidance, see the New York State Governor's Office website: <https://www.governor.ny.gov/>
- b) For current Fund guidance, refer to the Fund's website at <https://sucf.suny.edu/>.
- c) For current construction industry guidance, refer to the Associated General Contractors of New York State website at <https://www.agcnys.org/coronavirus/> and the Building Trades Employers Association website <https://www.bteany.com/covid19/>. Inform the Fund of any guidance that would impact Fund project work.

Overview:

The Fund directs its Consultants and Contractors to adopt best practices in conducting work on behalf of the Fund, the State University of New York (SUNY) and the State of New York to mitigate the spread of COVID - 19. You and your agents, subcontractors, subconsultants and employees are required to comply with current Executive Orders, which can be found at <https://coronavirus.health.ny.gov/new-york-state-pause>, current New York State Department of Health (DOH) guidance on limiting the spread of COVID-19, which can be found at <https://www.health.ny.gov/diseases/communicable/coronavirus/>, and to stay up to date on DOH requirements and directives. The Fund is the point of contact through which questions regarding work on Projects must be made and information should be provided to Fund staff as set forth in this directive. The Fund will work with SUNY Campuses to address any concerns raised regarding continuation of work and possible restrictions on use of Campus facilities and such information will be provided to affected entities as it becomes available.

Contractor Health & Safety Program & Project Specific Safety & Health Plans

Notify the Fund and update the Project specific Safety Procedures Manual as appropriate to address the spread of COVID-19 to incorporate current Occupational Safety and Health Administration (OSHA) requirements and recommendations posted to the OSHA website at <https://www.osha.gov/SLTC/covid-19/standards.html> and to incorporate DOH guidance and ensure that such procedures are enforced on project sites.

- a) Immediately notify the Consultant and the Fund of any work-related exposures and health risks presented by agents, workers and/or employees of the Contractor and/or subcontractors as set forth below.
- b) If a Contractor has received notification that an employee at a worksite has tested positive for COVID-19, then:
- c) Notify the NYS Department of Health (DOH) and the local health department with jurisdiction over the work location and comply with all DOH requirements and take all recommended, required and necessary steps requested by DOH
- d) As recommended by DOH, provide extra cleaning on high touch areas such as tools, equipment, handles, doorknobs, elevator buttons, bathroom stall doors, faucets, handrails, swipe areas, keypads etc. consistent with guidance issued by the NYS Department of Health.

Guidance to Contractors on projects and jobsites that remain active and open:

Fund projects and jobsites will remain active and open unless otherwise directed by the Fund or the Governor's office.

- a) Work will proceed in accordance with the requirements of the Construction Agreement and the contract drawings and specifications, supplemental information and other current project specific requirements. The Consultant will provide the duties defined in Section 2.01 of the Construction Agreement.
- b) Maintain personal attention to the work in accordance with Section 2:06 of the Agreement.
- c) If the Project Manager, superintendent, Fire Prevention Program Superintendent, and/or other supervisory staff are absent from the site of the work, comply with Section 2.06(2) of the Construction Agreement and conduct work with proper supervision by supervisory employees designated by the Contractor and approved by the Consultant and the Fund.
- d) If personal attention cannot be maintained due to quarantine, notify the Consultant and the Fund of the actions you will take to maintain safety at the site and proper installation of the work, such as reducing work force, suspending some or all operations, and/or securing the site of the work.
- e) Continue to monitor the inspections and testing required by NYS Building Code, drawings specifications, and other Project specific requirements. Inform the Consultant of any changes to the testing and inspection schedule and notify the Consultant and the Fund when the work is ready for testing and inspection.
- f) Campuses may seek to modify access to Campus project sites and buildings, including modifying policies and procedures for access, forbidding access to spaces outside the contract limit lines, modifying access paths to the work site(s), shut down of the site, etc., All such request made to Contractors shall be forwarded to the Fund and any directions to Contractors shall be made through the Fund and the Consultant who retain the sole authority to direct the Contractor.

Guidance to Contractors on projects and jobsites that may be suspending or closing.

In anticipation of possible suspension of project work or closure of project sites, all Contractors are directed to develop an emergency plan to secure the Project work and site in accordance with General Requirements Section 01 35 13 part 7 as modified to reflect the impacts due to COVID-19 and provide such plan to the Fund and Consultant as soon as possible, as follows:

The plan shall describe:

- a) How emerging conditions will be monitored;
- b) Which conditions will require the implementation of emergency preparations;
- c) What emergency preparations and implementation time are needed for: provisions for public safety; evacuation of workers; securing the site of the work, equipment, containment areas, unstable work, materials, chemicals, and/or other site conditions; compliance with the requirements of Code Rule 56 and other applicable rules and regulations; and securing temporary protective facilities and other steps that could be reasonable anticipated to secure the site of the work;
- d) When such emergency preparations will be implemented;
- e) Who will implement the preparations;
- f) Who will check the completed preparations to confirm they meet the intent of the plan;
- g) Who will communicate the plans to local emergency responders;
- h) How the site will be monitored during the shutdown for security, fire safety, public safety and other conditions required by applicable laws, rules and regulations;
- i) Who will be on standby to return to the site when permitted by the authority having jurisdiction; and
- j) Who will determine if the conditions at the site of the work may have changed.

All plans must be reviewed regularly and kept up to date and provided to the Fund and the Consultant. Contractors must Implement the emergency plan when directed to do so by the Fund and the Consultant. Contractors that are unable to continue project work, must inform the Fund and the Consultant as soon as possible of the decision to suspend work and confirm the implementation of the plan accordingly.

Guidance to Consultants, Testing Agencies, Construction Managers and Site Representatives on projects and jobsites that remain active and open.

Explore whether you can establish policies and practices, such as virtual meetings, telecommuting, flexible work hours and other practices that can maintain operations while following guidance on COVID-19.

- a) Provide personal services in accordance with the requirements of your Fund Agreement, Program Directives, instructions from the Fund, and other current project specific requirements. Perform duties and provide services required of the Consultant in each of the Construction Contract(s) for projects.
- b) Provide inspection, testing and other field administration services as required to progress the work.
- c) If field administrative and testing staff are directed to quarantine and cannot visit the site of the work, notify the Fund in a timely manner and submit the names of alternative employees for approval by the Fund.
- d) If attention of field administrative and testing staff cannot be maintained due to an officewide exposure resulting in quarantine of all available staff, notify the Fund of the actions you recommend to replace your staff as required to maintain the proper inspection, testing and other field administration services as required to progress the work.

Guidance to Consultants on projects and jobsites that have been suspended or closed.

Coordinate with the Fund on the next steps to be taken in the project in accordance with Article, Section L of the Consultant Agreement.

Information, Training & Health & Safety Guidance

Best practices and guidance related to COVID-19 and public health: See the following weblinks for associated information and publications:.

- a) Centers for Disease Control and Prevention Webpages:
<https://www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html>
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- b) New York State Department of Health: <https://coronavirus.health.ny.gov/home>
- c) Department of Labor OSHA Guidance on Preparing Workplaces for COVID-19:
<https://www.osha.gov/Publications/OSHA3990.pdf>
- d) OSHA Issues New COVID-19 Preparedness Guidance for Employers:
<https://www.idsupra.com/legalnews/osha-issues-new-covid-19-preparedness-30844/>
<https://www.osha.gov/SLTC/covid-19/>
- e) OSHA reminds employers COVID-19 is a recordable illness:
- f) <https://www.businessinsurance.com/article/20200311/NEWS06/912333495/OSHA-reminds-employersCOVID-19-is-a-recordable-illness-coronavirus>
- g) OSHA Issues Guidance to Employers on Preventing Worker Exposure to Coronavirus:
<https://www.crowell.com/NewsEvents/AlertsNewsletters/all/OSHA-Issues-Guidance-to-Employers-on-Preventing-Worker-Exposure-to-Coronavirus-COVID-19>
- h) The Associated General Contractors of New York State Resources for COVID-19:
<https://www.agcnys.org/coronavirus/>
