

UM System - Facilities Planning and Development

Construction Policy Statement on COVID-19

June 2020

The purpose of this policy statement is to communicate the University's position as established by Facilities Planning and Development regarding COVID-19 in the procurement of construction services. It is intended to provide guidance for project managers, construction project managers and supply chain staff in the execution of their daily responsibilities. This policy is not intended to address possible claims from contractors for delays and expenses attributable to COVID-19. That topic was addressed previously as a *force Majeure* event.

- Under the terms of the University's contract, the contractor is solely responsible for safety.
- The contractor is contractually obligated to ensure the safety of "students, faculty, staff, the public, construction personnel and other persons who may be affected thereby" (GC's 10.2.1.1)
- The contractor is contractually obligated to ".....comply with applicable laws, ordinances, rules, regulations, and lawful orders of public authorities bearing on the safety of persons....." (GC's 10.2.2)
- Public authorities at the federal, state and local levels have established protocols and guidelines to protect the public and safeguard against the spread of COVID-19.
- Under the terms of the University's contract, the contractor is responsible for complying with applicable protocols and guidelines in ensuring worker and public health and safety on their jobsites.
- It is the contractor's contractual responsibility to develop and execute a safety plan. A component of that plan should include strategies complying with federal, state and local protocols and guidelines to mitigate the implications of COVID-19.
- The University does not dictate that the contractor must work or that they cannot work. That decision is the contractors and the individual workers to make.
- The University's existing safety requirements contained within the General Conditions are sufficient and adequately delegate responsibility to the contractor. University staff **shall not** direct the contractor or add any contractual requirements or language to the contract documents related to COVID-19.

Additional Considerations

Pre-bid meetings and bid openings are managed by university staff. When possible, pre-bid meetings should be held via Zoom or similar remote conferencing

applications. If this approach is not feasible, the advertisement should require attendees to follow established guidelines on social distancing, masks, hygiene, etc. Attendees should be kept to a minimum. Hand sanitizer should be available at the entrance to the meeting location.

UM System staff are developing online bid opening capabilities. Until that process is completed, bid openings should be conducted outdoors adjacent to the location of the receipt of bids when feasible to allow social distancing. If a bid opening must be held in a meeting room, the advertisement should require attendees to follow established guidelines on social distancing, masks, hygiene, etc. Attendees should be kept to a minimum. Hand sanitizer should be available at the entrance to meeting location.

When deemed necessary, the owner may define parameters for the contractor to adhere to such as not eating lunch in other university facilities. These type measures should be approved by the appropriate Campus Facilities administrator.

Projects in health care facilities may require additional precautions. The appropriate health care administrator should provide guidance in the circumstances.