

UPDATE: COVID-19 Guidance for NYS OGS D&C Contractors and Consultants

"Empire State Development has issued updated guidance for determining whether a business enterprise is subject to a workforce reduction under recent executive orders.

The updated guidance relating to construction is as follows:

- All non-essential construction must shut down except emergency construction, (e.g. a project necessary to protect health and safety of the occupants, or to continue a project if it would be unsafe to allow to remain undone until it is safe to shut the site).
- Essential construction may continue and includes roads, bridges, transit facilities, utilities, hospitals or health care facilities, affordable housing, and homeless shelters. At every site, if essential or emergency non-essential construction, this includes maintaining social distance, including for purposes of elevators/meals/entry and exit. Sites that cannot maintain distance and safety best practices must close and enforcement will be provided by the state in coordination with the city/local governments. This will include fines of up to \$10,000 per violation.
- For purposes of this section construction work does not include a single worker, who is the sole employee/worker on a job site

OGS and our client agencies are currently evaluating all projects to determine which contracts are impacted by this directive.

In the event the State decides to shut down the contract work, a stop work order will be issued pursuant to the General Conditions. Any delays associated with this directive will be evaluated in accordance with the provisions of the contract General Conditions.

At the direction of the regional supervisor, your firm may be required to submit a shutdown plan.

The shutdown plan should include provisions to ensure we are appropriately securing and maintaining the site, providing for periodic inspections of site conditions throughout the shutdown period, that there are no code violations, safety hazards, or security issues during the shutdown period.

If you receive a request to submit a shutdown plan, please do so within two business days so OGS may undertake the appropriate reviews, notifications, and have the necessary precautions put in place."