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COVID-19 Advisory



Impact of COVID-19 on Construction Projects

March 20, 2020

Work in Critical Infrastructure Sectors, including Public Works Construction, May Continue Despite CA Statewide Stay at Home Order

On March 19, 2020, Governor Newsom issued Executive Order N-33-20 (<https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>) (“Executive Order”) in response to the COVID-19 pandemic. The Executive Order effectively extends the recent county-level shelter in place orders to the entire State. As DWK explained in a previous advisory (https://www.dwkesq.com/wp-content/uploads/2020/03/2020_ConstructionAdvisory_COVID19.pdf), the county shelter in place orders issued on March 16, 2020, contained an exception for Essential Infrastructure that permitted public works construction to continue in compliance with social distancing requirements to the extent possible. At the same time, we cautioned that school and community college districts should actively plan to address the impacts of COVID-19 and related activity-restrictions on their ongoing and scheduled public works construction projects.

The Executive Order directs all Californians to “stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors” The Executive Order clarifies that “Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians’ health and well-being.”

One of the federally-identified critical infrastructures sectors is the “Government Facilities Sector,” which includes the “Education Facilities Subsector.” Additionally, the State’s public explanation of the Executive Order presently identifies “schools, childcare, and construction, including housing construction” (emphasis added) as the types of critical operations that should continue despite the stay at home restriction. See <https://covid19.ca.gov/stay-home-except-for-essential-needs/> for more information.

This is a developing situation and the State may further clarify or modify the stay at home restriction in the coming days. But, for now, DWK expects that public works construction, including school and community college projects, will go on consistent with social distancing requirements.

If you need more information about how to address the impact of COVID-19 and related activity-restrictions on your public works construction project, please contact an attorney in our Construction practice group. For more information on managing the impact of COVID-19 on your district or agency, please visit our COVID-19 Resources page at <https://www.dwkesq.com/covid-19-resources-page/>.

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