

Michigan Department of Transportation
COVID-19 Construction Contract Administration Guidance

April 1, 2020

In light of the current COVID-19 crisis, the Michigan Department of Transportation (MDOT) is issuing the following information regarding its intention to continue to deliver critical infrastructure, while working with its contractors to help them keep their employees safe.

Contractor Self-Suspended Projects

If a Contractor self-suspends work operations due to the effects of the COVID-19 crisis, the Engineer will allow the contractor to self-suspend work without assessing liquidated damages. The Contractor is required to inform the Engineer of any suspended work operations per subsection 104.07 of the Standard Specifications for Construction.

The work stoppage will be considered a project delay. MDOT will not pay any delay costs (e.g., idle equipment and/or labor) because these delays are not attributable to the Department and are non-compensable per subsection 108.09.B of the Standard Specifications for Construction. However, the delays will be considered excusable per subsection 108.08.C.5 of the Standard Specifications for Construction, and MDOT will not assess liquidated damages for delays due to the COVID-19 epidemic.

The Contractor must make work zones safe for public travel before self-suspending work. Field adjustments to traffic control will be agreed upon with the Engineer. These adjustments and costs for traffic control during the extended period of time will be compensable. The Contractor must maintain a safe work zone for motorists per subsections 104.07.B and 104.11 of the Standard Specifications for Construction. All traffic control must be continually addressed by the Contractor to ensure safe and efficient work zone operations. The Contractor must remain on call and respond to emergency situations and work zone deficiencies per subsection 104.07.B.3 of the Standard Specifications for Construction.

The Contractor must submit an updated progress clause per subsection 108.05.A.3 of the Standard Specifications for Construction within 14 days of the expiration or removal of Executive Order 2020-21, as may be amended, extended, or replaced by subsequent executive orders of the Governor of the State of Michigan, unless otherwise agreed upon by the Engineer. Work resumption should take into account seasonal considerations and availability of labor and materials to productively execute the project. Prior to the resumption of work, the Engineer and Contractor will agree upon a revised progress schedule.

Per subsection 108.09 of the Standard Specifications for Construction, the Contractor must submit a request for an extension of contract time within 14 days after the last day of the delay. Each extension of contract time required will be evaluated on a project by project basis.

Active Projects with Delays

Contractors that continue work operations may be granted an extension of contract time without the assessment of liquidated damages for reasonable efforts to implement COVID-19 safety measures that impact the critical path of their progress schedule. These safety measures are to be described in the

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request for an extension of contract time. Such measures may include reduced crew size, delayed operations, decreases in productivity, etc. MDOT will not pay any delay costs because these delays are not attributable to the Department and are non-compensable per subsection 108.09.B of the Standard Specifications for Construction. However, the delays will be considered excusable per subsection 108.08.C.5 of the Standard Specifications for Construction, and MDOT will not assess liquidated damages for delays due to the COVID-19 epidemic.

Soil Erosion and Sedimentation Control

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has determined that soil erosion and sedimentation control inspections are essential. MDOT will continue to inspect and provide direction to Contractors. Contractors must address routine and emergency findings per the time requirements in the contract documents.

Disadvantaged Business Enterprise (DBE) Goals

Project delays do not alter any contractual requirements for Disadvantaged Business Enterprise (DBE) goals.

Specific Workforce and Company Guidance

MDOT cannot provide guidance to individual contractors about how to respond to specific COVID-19 questions. Contractors should act in accordance with their current company guidelines or visit <https://www.michigan.gov/coronavirus/> for additional information.