

ASA of Metro Washington Coronavirus Statement
March 10, 2020

As of March 10, 2020, ASA of Metro Washington will hold all events and meetings as scheduled. The membership will be notified immediately by email if there is any change in this decision. Please do not show up for any event if you show evidence of sickness.

Coronaviruses are a class of virus that includes the common cold virus, SARS, which caused panic over a decade ago, and MERS, which also caused brief panic as well. ASAMW will make decisions on the impact of Covid-19 on its events based upon what is known.

The highest mortality rate is in males over the age of 60. Most fatalities involve people with compromised health and compromised immune systems, same as with most fatal viral infections.

ASAMW will defer its decision-making to the statements provided by recognized experts in the public health field. In the US, the CDC and the NIH are world-class, and their recommendations should be the gold standard.

COVID-19: Considerations for Subcontractors

ASAMW continues to monitor news about the coronavirus and its potential impact on the region's construction industry. This email provides links to the most current and continually updated information available from the state and federal government and also raises some questions you should consider. As a subcontractor, it is not too early to anticipate possible impacts to your business in the coming days and weeks.

With respect to existing construction contracts: are there provisions, such as a force majeure clause, which may excuse or minimize the impacts of your late performance? If so, what are the notice requirements for informing parties upstream? Conversely, does your contract provide for additional time and costs if you are delayed by others and who, when, and how do you notify them of this? If you are negotiating contracts now, what are some of the safeguards you may want to build in to protect your company from the potential and uncertain impacts of the virus? These are just a few of the things you and your attorney should consider as the impact of the virus unfolds in the upcoming days and weeks.

When it comes to insurance, generally, most policy language surrounding business interruption requires the claim be caused by direct physical loss of or damage to property by a "covered peril" in order to trigger policy benefits. An epidemic, while it can certainly disrupt business operations and revenue, may not meet the standard of a covered claim under your policy due to the absence of such "direct physical loss." Contact your insurance agent with specific questions about the extent of your coverage.

If the current trend continues and the virus spreads, questions will arise about your workforce. Construction is unique and not the type of industry where workers can work from home. For employees that may have had exposure to coronavirus either by traveling to certain countries, or by being in contact with an infected person, a 14-day quarantine is recommended. But this raises many questions for employers.

Below are examples of some recent COVID-19 materials provided by ASAMW Member law firm K&L Gates:

EMPLOYMENT AND WORKPLACE SAFETY:

- [Coronavirus in the Workplace: What U.S. Employers Need to Know](#)
- [Working Wise: Coronavirus Concerns in the Workplace](#)

SUPPLY CHAIN MANAGEMENT, FORCE MAJEURE AND INSURANCE COVERAGE:

- [The Legal Consequences of COVID-19 on Your Contracts: Force Majeure in Different Jurisdictions and Industries, and Some Practical Guidance](#)
- [Coronavirus Losses: Will Your Commercial Insurance Policies Respond?](#)
- [Coronavirus Force Majeure Declarations by LNG Buyers: a Negotiating Tool or a Legitimate Case of Force Majeure for LNG SPAs Governed by English law?](#)