**Outline for AGC COVID-19 Presentation**

* **COVID-19 Specific Information**
	+ Workplace Infection Prevention
		- Train employees/subcontractors to:
			* Frequently wash hands,
			* Sanitize equipment,
			* Maintaining “social distancing”
			* Wear face masks
		- Remind employees/subcontractors of COVID-19 symptoms.
		- Allow flexibility through this pandemic:
			* Creative pay/ leave symptoms
				+ May be required to have PPP loan forgiven.
			* Insist employees/subcontractors remain home for 14 days if they have had a contact with confirmed COVID-19 case.
			* Insist employees/subcontractors who exhibit symptoms stay home from work.
				+ Does this affect a company’s ability to have PPP loans forgiven?

If so, can companies around this by paying sick leave?

* + PPP
		- Loan Forgiveness Requirements:
			* PPP loan funds can be forgiven if the funds were used For:
				+ Payroll

At least 60 percent of the PPP funds must go towards payroll in order to qualify for loan forgiveness

Including vacation and sick pay

* + - * + Mortgage interest

If the mortgage was signed prior to February 15, 2020

* + - * + Rent

If the lease was signed prior to February 15, 2020

* + - * + Utilities

If the service began prior to February 15, 2020

* + - * Keep all important documentation
				+ Payroll

At least 60 percent of the PPP loan proceeds must be used for payroll costs in order to receive full forgiveness

* + - * + Mortgage statements
				+ Lease statements
				+ Utility statements
			* Loan forgiveness is not “all or nothing.”
			* Employment Decisions Effect on Loan Forgiveness
				+ If you were unable to maintain the same number of employees, then the amount forgivable will be decreased proportionally.
				+ It is important to note that you don’t need to maintain the same individuals. Rather, you need to maintain the same average number of employees. Paragraph 3 of this [article](https://bench.co/blog/operations/ppp-loan-forgiveness/) does a good job of explaining this concept.
				+ If an employee **voluntarily** resigns, it does not affect the amount that you will be forgiven. [Interim Final Rule on Loan Forgiveness, 85 Fed. Reg. 33,004, 33,009 (June 1, 2020) (to be codified at 13 C.F.R. pt. 120)](https://home.treasury.gov/system/files/136/PPP-IFR-Loan-Forgiveness.pdf)
				+ If an employee is **terminated for cause**, it does not affect the amount that you will be forgiven. *Id.*

“For cause” has not been define – be careful!

* + - * Fill out [PPP Forgiveness Application](https://www.sba.gov/sites/default/files/2020-05/3245-0407%20SBA%20Form%203508%20PPP%20Forgiveness%20Application.pdf)
* **General Delay Information**
	+ Know Your Contract and Follow its Requirements
		- Study your Contract and related documents
	+ Open Communication
		- Be open about potential delays, disruptions, and changes.
		- Promptly give verbal *and* written notice of potential impacts
		- Document in detail any adjustments and decisions that have been made
	+ Review and Monitor Scheduling Requirements
		- Save All Project Schedules
			* Provide credible schedule updates
			* Provide a valid critical path
			* Connect impact with critical path
			* Be accurate
		- Seek clarification before bidding/accepting bids
		- Understand the process for schedule approval
		- Understand the process for requesting time extensions and for what reasons a time extension is granted.
	+ Study Subcontractor/Client History
	+ Study Site Conditions Throughout Project
		- Document changes or differing site conditions throughout the project.
	+ Understand the Project’s Financing Structure
	+ Understand Relevant Statutory Time Periods
		- Preliminary notices for liens or bond claims
		- Filing notices for liens and lien foreclosures
		- Time limitations for filing suits to enforce payment bond claims.
		- Create a “Notice Template” for each notice that is relevant for your project.
	+ Supply Chain & Contract Adaption
		- Be prepared to adapt if there are dramatic delays and disruptions.
			* List various suppliers for necessary materials
	+ Keep Good Records
		- Designate someone to be responsible for change order management
		- Track changes and their impacts
			* Progress payments
			* Inspection Reports
			* All correspondence
				+ Both internal and external correspondence
			* Memos of conversations, inspections, directions, agreements, and observations
			* Photographs and videos of project progress
				+ Documents times and dates of photos and videos.
			* Detailed meeting minutes
			* Develop a daily report database
				+ Include date
				+ Area of construction,
				+ Any issues
				+ Etc.
	+ Develop a Risk Assessment
	+ Protect and Support Your Claims
		- Connect impacts with changes
		- File in writing all protests or notices of potential claims within the time period specified in the contract.
		- Give timely notice on Notices of Potential Claims
		- Document calculations of requested price adjustments
		- Keep all bid documents
	+ Monitor Job Progress
		- Continue to monitor and study site conditions throughout project
	+ Job Completion
		- Document project completion timeline
	+ Give Opposing Party the Opportunity to Mitigate
* **Mechanic’s Lien**
	+ Timely file a preliminary notice
		- File within 20 days after your first work
		- If filed more than 20 days after your first work, you can only lien for work done more than 5 days after you provided notice.
	+ File a mechanic’s lien
		- Deadlines
			* 90 days after a Notice of Completion is filed
			* 180 days from Final Completion if no Notice of Completion is filed
	+ Give notice to the owner of the filing of your mechanic’s lien
		- Must give owner notice 30 days after filing of Lien
	+ Enforce your lien
		- Must file a lawsuit within 180 days from the date the Lien was filed.
		- File a *Lis Pendens* in the county where the property is located.