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**Chloe Eudaly** Commissioner **Chris Warner** Director

**NOTIFICATION TO PRIME CONTRACTORS WORKING ON  
PBOT CAPITAL CONSTRUCTION CONTRACTS,  
PBOT DEVELOPMENT PROJECTS AND PBOT PERMITS**

**March 24, 2020**

Yesterday, March 24, 2020, the Governor issued Executive Order 20-12 requiring, among other things, the practice of social distancing, teleworking, the closure of certain businesses, and limitations on travel. At this time, PBOT Construction Projects continue in accordance with the Executive Order.

**To be clear, PBOT and the City are not ordering a shut down of your projects.**

The following 2010 City of Portland Standard Construction Specification provisions will guide your work as you implement measures to abide by the Executive Order and comply with the Contract:

- Section 00170.00- *Legal Relations and Responsibilities*
  - The Contractor shall comply with all federal, state, and municipal laws in regard to all matters concerning this Contract.
  - The Contractor also shall comply with the orders, rulings, decrees and decisions of any administrative or judicial officials that in any manner whatsoever affects the project, the Work, the safety of persons around the construction site, or the manner in which the Work is performed.
- Section 00170.60 - *Safety, Health, and Sanitation Provisions*
  - The Contractor has complete responsibility for the safety and health of its employees and the employees of its Subcontractors at any tier. The Contractor shall not delegate this responsibility to its



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Subcontractors, other persons or agencies. . . The Contractor shall require additional safety measures as may be necessary for a particular project.

- The Contractor shall comply with all federal, state, and local safety and health regulations and laws.
- In the event that the law requires greater safety obligations than those in the Contract Documents, the Contractor shall perform the obligations required by law without additional cost to the Owner.
- The Contractor shall ensure the public safety (including traffic control) during its performance of the Work and minimize public inconvenience. Prepare a description of the methods for securing the Work area from public access.
- The Contractor shall provide and maintain all labor, material, and equipment needed to secure the construction site from damage until the Work is complete and accepted by the Owner. This may include labor, lighting, fencing alarm systems and other miscellaneous materials to maintain security at all sites where the Contractor may be working.

**In adhering to the Executive Order and in compliance with the terms of the Projects/Permits, please take the following steps:**

- Designate a person to establish, implement, and enforce social distancing policies and procedures consistent with the Executive Order for all job sites and home offices;
  - Identify teleworking or work-from-home measures for Project personnel who work from home offices in Oregon;
  - Utilize websites and other forms of electronic communication for permitting and inspections;
  - Minimize work-related travel as much as practicable;
  - Continue to maintain any temporary measures for a safe and secure site; and
  - Identify any other steps your company is taking to comply with Executive Order 20-12.
- Please contact your PBOT Construction Manager (for PBOT Construction Contracts) or Public Works Construction at [publicworksconstruction@portlandoregon.gov](mailto:publicworksconstruction@portlandoregon.gov) for PBOT Permit Projects with

information required above to comply with Executive Order 20-12. For Other PBOT Permits, contact the Inspector listed on your permit.

**For PBOT Construction Contracts Only  
(Permit Projects are not impacted by these items.)**

Notify your PBOT Construction Manager if you intend to request a time extension for an excusable delay due to Executive Order 20-12.

**Impact to the Contract**

- 00180.60 – *Adjustments of Contract Time*
  - Contract Time will be increased only if three events all occur: 1) the Contractor must encounter one or more excusable delays, and 2) the excusable delay must be shown to have actually affected the overall completion date of the Project, and 3) the Contractor must give the Owner a request for an increase in Contract Time in the manner specified by 00199.30.
  - The COVID 19 pandemic is an excusable delay under specification section 00180.60(d). ‘An excusable delay is one that arises from unforeseeable causes that are beyond the control and without the fault or negligence of the Contractor, its Subcontractors and suppliers.’
- 00180.70 - *Remedies for Delay*
  - The parties agree that the occurrence of an excusable delay that delays overall Project completion may not result in additional compensation paid to the Contractor. No additional compensation will be paid to Contractor for excusable delays that are not the fault of either the Contractor or Owner, such as those listed in 00180.60(d)(1)(a) through 00180.60(d)(1)(f). In that situation, the Contractor is only entitled to an adjustment of Contract Time.
  - No additional compensation will be paid to Contractor for any time period when the overall Project completion date is delayed as a result of concurrent delay. . . In that situation, the Contractor is only entitled to an adjustment of Contract Time for the length of the concurrent delay.

### Next Steps if Delay is Anticipated

- To the extent Contractors anticipate delays related to adherence with the Executive Order, Contractors shall submit Notice of Claim in compliance with 00199.30 with the appropriate supporting documentation of how your company / project is being impacted by this EO and global pandemic.
  - For the description of the event, state: “Executive Order 20-12, COVID-19”
  - For the estimate of the delay that the event will cause, estimate the additional Days required for performance of the Work, including, for example, impacts related to trade sequencing adjustments, workforce reductions, or paperwork delays. Be specific and provide details substantiating the additional Days.
  - For the Contract provisions in support, state: “00170.00, 00170.60, 00180.60, 00180.70.”
- Upon receipt, PBOT will review each Claim for Contract Time and award additional Days on a case-by-case basis as needed and substantiated.

Thank you for your continued partnership during this time.



Steve Townsen, P.E.  
City Engineer