

PERFORMING SITE OBSERVATION DURING THE CORONAVIRUS PANDEMIC¹

At least for the time being, construction activity appears to be continuing with little or no disruption notwithstanding the ongoing coronavirus pandemic. Yet, as the world is trying to understand and mitigate this new disease, there is little practical safety advice for the construction industry, beyond maintaining six-foot separation and offering hand-sanitization stations on the jobsite. See, [COVID-19 Guidelines for Construction Sites within the District of Columbia](#). Shelter-in-place orders and guidance from healthcare officials stressing the importance of physical distancing measures make it necessary to consider how the A/E community can continue to provide onsite construction phase services safely and effectively.

Every project is unique in scale, scope and progress of construction, and the intent of each visit to the site will vary, i.e. a visit for reviewing a pay app will have different requirements than one for special inspections, to observe concrete pours or respond to inspection by the authority having jurisdiction, but we present below a few ideas for prosecuting various types of onsite professional services while at the same time adhering to best practices for the safety of all personnel likely to be present at an active construction site.

- Observe the site via drone overflight. Drones with high definition video recording capability are increasingly common. Observation by drone is well-suited for horizontal construction, early site work, large footprint projects, etc., where the site is relatively open and accessible. Drones should be operated by a qualified, insured licensed operator in compliance with state and local regulations.
- Observe the site using Facetime, Zoom, Microsoft Teams or similar “real time” video chat applications. Most such applications can be run from a cell phone or tablet, provided there is sufficient cellular service or, ideally, wireless internet available. Have the Contractor’s superintendent or perhaps an Owner’s representative walk the site with a cellphone or tablet camera rolling while the A/E directs what he/she wants to see. This method of remote site observation has the advantage of allowing the A/E to ask questions in real time, e.g., request a closer look, pan, different angle, etc. Many of these applications allow the session to be recorded as project documentation.
- Similar to above, conduct site observation using cellphone or tablet video recording or photography by the Contractor or Owner. This would require a (documented) conversation with the photographer, either in advance or in real time, to explain in detail what the A/E wants to see. For example, consider selecting several views of particularly

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important construction, documenting them by photograph, and then have the Contractor periodically take pictures from that exact same position. The architect may also need to see stored materials in connection with a pay application review. The architect could ask the superintendent to take and send photographs and request additional photographs until satisfied that he/she has sufficient information needed. This method has the advantage of creating a permanent record. However, observation exclusively by photographs taken by the Contractor affords the unscrupulous an opportunity to photograph selectively or even at a different site. It would be prudent for the A/E to make it clear that the A/E would not be responsible for items missed, whether by inadvertence or intent.

- Visit the site in person and conduct usual site observation when the site is empty of people, such as before work begins in the morning, after work concludes in the evening, or on the weekend. These could be good opportunities to identify areas you will want to monitor and to document them, so that the Contractor can take photographs in the future from the same viewpoint, without you having to return to the site. Weekday visits after the Contractor's work day ends are ideal during the summer when there would typically be several hours of daylight left. This procedure would also work well once the work has progressed to where lights are installed and working. The A/E would need to arrange with the Contractor in advance for the site to be accessible for a certain amount of time. The downside to conducting traditional site observation during nontraditional times of day is that those going to the site will not know who has been at the site during the day or what mitigation or cleaning has been done and therefore may want or require PPE, which will be in short supply for the foreseeable future. If using this procedure to verify completion of punch list items, it would be prudent to have the contractor confirm that the work (or a defined portion of it) is complete and ready to be checked.

- Consider what you can do remotely to help prevent issues in the field.
 - Prepare RFI responses with more detail than usual.
 - Consider augmenting or clarifying design details to ensure the Contractor understands your design intent.
 - Inquire of the Owner how, if at all, the Owner and/or Contractor intend to follow/implement the "no more than ten people" and "six feet of separation" recommendations. These recommendations could impact both the sequence of construction and the overall schedule, and consequently the timing and nature of A/E site observation services. For example, is the Contractor extending the schedule by having few stacked trades, or holding the schedule by working weekends or in two shifts?

If an alternate means of conducting on-site services is used, the A/E should:

- 1) **Inform** the Owner and the Contractor of any proposed modification to how onsite CA services will be handled and **obtain** the Owner's written approval.
- 2) **Explain** to the Owner how, if at all, using remote observation or other modified procedures may impact what the A/E would otherwise be able to accomplish via traditional, in-person CA services (quality, time, scope, etc.).

- 3) **Describe** the new procedures in detail before they are performed, including what each project participant must do in order for the new procedures to be performed in a way that satisfies the intent of that portion of the A/E services.
- 4) **Coordinate** site observation not only with the Contractor and Owner, but also with your consultants. If you will rely on the Contractor to take photographs, for example, coordinate with your consultants to ensure that the Contractor has a single list of construction conditions that the design team, as a whole, wants to have photographed.
- 5) **Document** any unconventional site observations you used, with reference to COVID-19, in your field reports. For example, a field report should state that photographs were taken by the Contractor, or that your site observations are based on a remote video tour of the site, as applicable.
- 6) If necessary and appropriate, **negotiate** a fee reduction *or addition* to reflect reduced, enhanced, or modified procedures.

There may be circumstances where the A/E simply cannot or should not provide services in person on site. For example, a concern that the site is not being operated in compliance with OSHA, A/E personnel familiar with the site are ill or in mandatory quarantine, etc. Our advice is (a) to identify and present to the Owner acceptable, creative workarounds as soon as possible in order to lessen conflicts later in the project; and (b) stay alert to new COVID-19 inspired regulations from the CDC, OSHA, and/or state and local lawmakers that might impact the legality of performing services on-site in person.



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