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BULLETIN

To: Membership of Allied Building Metal Industries, Inc.

From: Steven N. Davi

Date: May 11, 2020

Re: COVID-19: Update: Reopening New York Construction and Returning Employees Back to Work

As we advised in our Bulletin dated April 27, New York Governor Andrew Cuomo [announced](#) during his press conference on Sunday, April 26, the broad strokes of a plan to reopen economic activity, region-by-geographic region, in coordinated phases beginning in or around mid-May. The governor's soft blueprint envisions economic activity reopening on a business-by-business basis within each region, with priority given to businesses that are "more essential" and present a lower risk of infection to employees and customers. With that being said, the governor's remarks on April 26 were relatively light on details. Since then, however, the governor has unveiled more [specific regional guidelines](#) drawn largely from the "Opening Up America Again" [guidelines](#) issued in April by the White House and federal Centers for Disease Control and Prevention.

Phases

The reopening of any given region will be staged in four phases, with a specific prioritization by industry, as follows:

Phase One

- Construction
- Manufacturing and wholesale supply chain
- Select retail using curbside pickup only

Phase Two

- Professional services
- Finance and insurance
- Retail
- Administrative support
- Real estate and rental leasing

Phase Three

- Restaurants and food service
- Hotels and accommodations

Phase Four

- Arts, entertainment and recreation
- Education

As we have previously advised, there will be a two-week monitoring period between each phase to ensure that hospitalization and infection rates remain stable.

Health Care Capacity and Testing: Seven Criteria

Each region will have to satisfy seven specific criteria before businesses and services may be permitted to reopen:

- 1) Net hospitalizations for cases of COVID-19, the disease caused by the coronavirus, must either experience a continuous fourteen-day decline or no more than fifteen new hospitalizations per day over a three-day rolling average. New York City has reached this benchmark.
- 2) A continuous fourteen-day decline in coronavirus-related hospital deaths, or fewer than five deaths per day, over a three-day rolling average. New York City has reached this benchmark.
- 3) Fewer than two new hospitalizations per 100,000 residents per day over a three-day rolling average. New York City and its suburbs are reported to be far from meeting this benchmark.
- 4) A hospital-bed vacancy rate of at least thirty percent to be prepared for possible new waves of coronavirus-related diseases in the future.
- 5) An intensive care unit (ICU)-bed availability rate of at least thirty percent. This is coupled with a new requirement that hospitals have at least ninety days of PPE stockpiled.
- 6) Implement a testing regimen with the capacity to conduct thirty diagnostic tests for every 1,000 residents per month. New York City has reached this benchmark. Regions also must maintain an appropriate number of testing sites to accommodate its population and must fully advertise where and how people can get tested.
- 7) Develop a system to trace individuals with confirmed COVID-19 and to notify any and all people with whom such infected individuals have been in contact. To accomplish this tracing system would require at least thirty working contact tracers per 100,000 residents, and potentially additional contact tracers based on the projected number of cases in a particular region. It has been reported Michael Bloomberg has given \$10.5 million toward this initiative.

Regional Coordination

Regions must also institute regional control rooms to monitor businesses and regional indicators during the phased re-opening, including hospital capacity, rate of infection and PPE burn rate; isolation facilities for those who test positive; and protections for essential workers.

The governor's plan also calls for regional coordination with regard to the re-opening of schools, transportation systems, as well as testing and tracing, to be overseen by [ten regional councils](#): the Capital Region, Central New York, Finger Lakes, Mid-Hudson Valley, Mohawk Valley, New York City, North Country, Long Island, Southern Tier, and Western New York.

Business Precautions

As we have previously advised, the governor’s plan will require each business and industry, before re-opening will be permitted to proceed, to have a plan in place to protect employees and consumers, make the workplace safer, and implement processes that lower risk of infection. The governor’s office has not yet provided guidance regarding the specifics of these plans, nor has it announced whether employers will be required to submit these plans to the state, and if so, what review and approval process will ensue. However, the governor did indicate that a “New York Forward Re-Opening Advisory Board” of business leaders has been created to formulate plans, and that businesses will be required to:

- Adjust workplace hours and shift design as necessary to reduce density in the workplace
- Enact social distancing protocols
- Restrict non-essential travel for employees
- Require all employees and customers to wear masks if in frequent contact with others
- Implement strict cleaning and sanitation standards
- Enact a continuous health screening process for individuals to enter the workplace
- Continue tracing, tracking and reporting of cases
- Develop liability processes

As you know, New York City construction has been proactive where these issues are concerned. Through the coordinated efforts of many construction industry leaders, spearheaded by the BCTC and REBNY, with substantial input from the BTEA and individual trade associations including Allied, a remobilization plan and COVID-19 health and wellness protocol has been developed for the governor’s consideration that, if acceptable, will allow New York City construction to re-open sooner in an incremental manner. The remobilization plan and COVID-19 health and wellness protocol has been submitted to the governor’s office and is under review.

The members of the New York Forward Re-Opening advisory board appointed to help guide the state’s re-opening strategy are identified in the attachment accompanying this Bulletin.

At the city level, Mayor Bill de Blasio is in the process of forming ten sector advisory councils populated by dozens of business executives to help plan for the reopening of the city’s economy. These sector advisory councils reportedly are scheduled to begin meeting in the next few days. Each group is said to have twenty to forty-five members and will be led by deputy mayors.

The members of the construction and real estate sector advisory council were announced last week. Deputy mayors Vicki Been and Laura Anglin will lead this sector group. The appointed members to the NYC real estate and construction advisory council are as follows:

| Name | Company |
|-------------------------|--------------------------------------|
| Carlo Scissura | New York Building Congress |
| Cheryl McKissack Daniel | McKissack |
| Colvin Grannum | Bedford Stuyvesant Restoration Corp. |
| Dan Tishman | Tishman/AECOM |
| Don Fusco | Skanska USA |

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| Donnel Baird | BlocPower |
| Elizabeth Velez | Velez Organization |
| Ericka Keller | Brisa Builders |
| Francilia Wilkins | RFW Consultants |
| Gary LaBarbera | Building and Construction Trades Council of Greater New York |
| Hana Kassem | KPF |
| James Prendamano | Casandra Properties |
| James Rubin | Meridiam |
| James Whelan | REBNY |
| Jeff Blau | Related Cos. |
| Kirk Goodrich | Monadnock Development |
| Larry Englestein | 32BJ SEIU Secretary-Treasurer |
| Laura Ettelman | SOM |
| Lawrence Benenson | Benenson Capital Partners |
| Lou Coletti | Building Trades Employers' Association |
| Luis Tormenta | The LiRo Group |
| Mary Ann Tighe | CBRE |
| Meredith Marshall | BRP Cos. |
| Michael McKelvy | Gilbane Building Co. |
| Nayan Parikh | Ashnu International Inc. |
| Ron Moelis | L+M |
| Susan Camerata | Wavecrest Management |
| Tim Cawley | Con Edison |
| William Rudin | Rudin Management |
| William Zeckendorf | Terra Holdings |

Tracking Progress

Non-essential businesses in the state continue to be closed. as per [Executive Order No. 202.18](#), until 11:59 p.m. on Friday, May 15, 2020. If this date is not extended (there has been no definitive indication as of yet regarding an extension), regions may begin to re-open after May 15 once they satisfy the above seven criteria necessary to protect public health and, presumably, have plans in place covering the above business precautions to safeguard the workplace. The state is

[tracking](#) progress in this regard on its website. New York City is presently in compliance with three of the above seven health care capacity and testing criteria.

We will continue to monitor and report on all material and relevant developments concerning these matters as they arise.