

[LETTERHEAD OF NOTIFYING PARTY]

[DATE]

[DELIVERY METHOD]

[NAME AND ADDRESS]

Re: **Notice of Force Majeure**
under [AGREEMENT NAME] (“Subcontract”)
and [PROJECT NAME] (“Project”)

[Ladies and Gentlemen/Dear [ADDRESSEE]]:

[COMPANY] continues to monitor the evolving circumstances concerning the COVID-19 virus that has been declared a pandemic by the World Health Organization and has created pervasive impact and uncertainty in the operation of all daily lives and business operations.

On [DATE], the NYS Empire State Development Corporation (ESD) updated the state’s Guidance on the “New York State on PAUSE” Executive Orders (“Orders”) and specifically directed all non-essential construction must shut down except emergency and/or essential construction. [COMPANY] understands that the Project and its [COMPANY’s] work pursuant to such Project (“Project Work”) do not fall within the emergency or essential services exceptions to the government orders and that it has been directed to halt Project Work.

Based upon the government and Project directives, [COMPANY] is compelled to suspend Project operations pending further Project and governmental directive that would properly permit operations to safely resume. [COMPANY]’s action is also in furtherance of its continued practice to take appropriate measures by law, regulation and guidelines to protect the health and safety of its valued employees and community.

Additionally, key/critical subcontractors and suppliers of necessary Project services and materials have notified us they have ceased operations based on governmental orders issued by states where they are headquartered. As such, the apparent unavailability of critical materials and subcontract services caused by widespread business shutdowns have caused further impact beyond [COMPANY]’s control.

Based on the above detailed circumstances, this constitutes [COMPANY]’s notice of impact and delay pursuant to Sections [NUMBERS], and otherwise under the parties’ Subcontract. [COMPANY] respectfully requests your cooperation in coordinating necessary schedule changes and issuances of extensions of time with respect to [COMPANY]’s Project Work. [COMPANY] reserves all rights concerning any Project extension of time and suspension and/or delay costs/damages.

[COMPANY] will continue to monitor and assess the latest information/directives related to the Project and governmental agencies and maintain communication as to when its project operations might appropriately resume.

Thank you for your attention to the matter. Please contact us with any question or concern.

Very truly yours,

[COMPANY]

By: _____