



STATE OF WASHINGTON

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TO: Agency Directors

FROM: David Schumacher
Director

SUBJECT: SUSPENSION OF CAPITAL PROJECTS

The OFM capital budget staff has received questions from many agencies after the governor's "Stay Home, Stay Healthy" order was issued. The governor provided clarification on construction activities, particularly about the exception "to further a public purpose related to a public entity or governmental function or facility."

OFM has received additional information from the Governor's Office related to agency capital projects. Our expectation is that all capital projects will be immediately suspended with the following exceptions:

1. Activities to address an emergent issue that will impact health and safety or prevent damage to property, including emergency contracts.
2. Activities necessary to address an immediate threat to the continued operation and performance of essential functions of a facility.
3. Activities directly related to the COVID-19 response, to include but not limited to, health care, shelter capacity, and essential services.
4. Activities required to meet a court order (for example, construction related to the Trueblood settlement).
5. Activities necessary to secure a construction site for the duration of the proclamation.
6. Activities at a project phase where work can continue remotely or with appropriate social distancing measures in place.

For contracts meeting one or more of these criteria, please provide notice to your contractor(s) that their contract has been deemed essential. Direct them to submit to your agency a COVID-19 protection plan in accordance with CDC, DOH, and LNI guidelines, and to follow that plan. All construction activity must comply with social distancing guidelines and applicable health and worker protection measures. All other contract provisions remain in force.

For contracts not meeting these criteria, please provide notice to your contractor(s) that their contract has been deemed nonessential. Direct them to work with their agency project manager to secure the site and act in accordance with the contract. Also, please work with your project manager to mitigate costs and delay to the contract.

If you have questions, please contact your [OFM capital budget analyst](#).