



Covid 19: Your Business Continuity

Kemp Little's Covid-19 Hub

With the ever-changing landscape of the Coronavirus pandemic and the evolving Government and market reactions, organisations are faced with the challenging impact of the outbreak on their employees, business operations, technology, governance and supply chains.

Click here to visit our Covid-19 Hub for our rapid response updaters and top tips on how to deal with the crisis.

Focus on your contractual issues

We have highlighted some of the key contractual considerations for your business and how we can support you through the process.

- 1. Coronavirus related changes:** Companies should assess the effect of Coronavirus on key contracts. For example, will additional costs arise? Who is responsible for these? Are there any contractual protections for any delays or non-performance? How can any failures in performance be dealt with? Is variation or termination required or permitted? Are there any restrictions in the contract which need to be considered in a distributed working model, such as with employees working from home?
- 2. Supply chain impacts:** Companies should assess whether their key suppliers are affected by Coronavirus, and whether there will be any follow-on impacts companies need to consider and cater for, including delays and non-performance, and risks of insolvency. Plans may need to be put in place to mitigate and manage any risks.
- 3. Charges:** Suppliers and customers may try to pass on charges for specific Coronavirus-related issues such as supply chain delays, cost increases, reductions in demand, or try to use them to exit contracts (force majeure/material adverse change). Parties might look to "re-set" fixed prices, attempt to move work into or out of scope, or remove agreed discounts.
- 4. Unlawful contract terminations:** There may be attempts to exit contracts which have become unprofitable due to Coronavirus by unlawful means, including spurious breach notices, wrongful exercise of contractual provisions regarding termination, inappropriate use of force majeure clauses and claims of "frustration".

Our offerings: Kemp Little Covid-19 Client Toolkits

In addition to the Hub, we have designed a series of toolkits, which specifically support clients on assessing and mitigating various Covid-19 legal risks, including toolkits for contractual, employment and corporate heads of risks. For further information please contact any of the people listed below.

Where we can help?

We can:

- Help identify and prioritise risk areas for businesses.
- Advise on contract risk and specific issues/disputes.
- Negotiate and document contract variations to ensure compliance with commercial requirements, contract variation provisions and allocation of risk.
- Analyse risk by performing wide-scale contract reviews to identify relevant terms using our machine-learning review tools. These tools allow us to quickly review contracts for clauses which businesses will need to understand in this context, such as force majeure, termination triggers, effect of termination, pricing, notice, amendment, change in law, material adverse change or economic hardship, and governing law.
- Provide tech solutions including 4Corners, a contract analysis tool, which stores information and legal advice about contracts, and connects these straight to a business's data to allow key contract questions about data or products to be answered without hunting for the relevant contract or doing fresh legal analysis.
- Prepare or update templates to ensure future contracts address Coronavirus-related risks.
- Prepare intra-group service agreements to ensure group companies have access to the assets and services they need.
- Offer virtual workshops and other training to help staff manage changes.

Contact us

If you would like any advice relating to your organisation's Coronavirus preparations and questions, including any of the considerations addressed above, please do not hesitate to contact us.



Joanna Conway

Partner
Disputes
ddi +44 (0) 20 7710 1604
joanna.conway@kemplittle.com



Susan Biddle

Consultant
Commercial Technology
ddi +44 (0) 20 7710 1607
susan.biddle@kemplittle.com



Tania Williams

Partner
Commercial Technology
ddi +44 (0) 20 7710 8001
tania.williams@kemplittle.com



Andy Moseby

Partner
Corporate
ddi +44 (0) 20 7710 1650
andy.moseby@kemplittle.com



Marian Bloodworth

Partner
Employment
ddi +44 (0) 20 7710 1654
marian.bloodworth@kemplittle.com

<https://www.kemplittle.com/covid-19-your-business-continuity-issues/>