

Dispute Boards (DB)

Presenters:
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Dispute Resolution Board Foundation. *Moving projects forward* since 1996.



Overview

→ Informal Assistance/Advisory Opinions

→ FDOT

→ What's working

→ Potential areas for improvement

Goal of the Dispute Board

Avoid and resolve disputes
early and efficiently

FDOT's View

- ➔ Successful in reducing the number of claims
- ➔ Small number of issues go to DRB hearing
- ➔ Most issues resolved on projects without any hearing or further disputes resolution

Contractor's View

- ➔ Mostly supportive of the process
- ➔ Thinks process is too formal
- ➔ Thinks there are too many rejections by FDOT

FDOT has seen the benefits of DRB use on its contracts and intends to continue making them available on contracts.

FDOT DRB Process

➔ Potential Areas for Improvement:

- ➔ Escalation process of issues seems to be trending in direction of lengthy delays. Results in disputes not being resolved or heard by the DRB in a timely manner
- ➔ Differing approaches of CEIs in managing incentive projects (some very proactive, others not so)

Potential Areas of Improvement

- ➔ Method of selecting DRB Members and Chair
- ➔ Jockeying between parties sometimes creates animosity in the early going of the contract by trying to swing the DB in their favor.
- ➔ Advisory opinions might better inform the parties of a likely judicial or arbitration outcome when owner asserts dispute is not 'Duly Preserved.'

Potential Areas of Improvement

- ➔ There is no consequence for rejecting a recommendation.
- ➔ Should DRB decisions be binding for life of Contract?
- ➔ Parties not following the frequency of meetings stated in the TPA.
- ➔ Are the Statewide Asphalt/Concrete Pavement/Structures and Warranty DRBs the best mechanisms for effective Dispute Resolution?

Discussion

