

DISPUTES REVIEW BOARD MEMBER SELECTION PROCESS GUIDELINES

For the purpose of identifying the departments Disputes Review Board (DRB) representative for the project, upon Execution of any Contract which contains Special Provision 8-3.7 Prosecution of Work – Disputes Review Board and Pay Item 999-20- Disputes Review Board, project staff are to review the list of DRB Candidate Members at the following link:

<http://www.dot.state.fl.us/construction/CONSTADM/DRB/DRBMain.shtm>

Upon Execution of the Contract, project staff shall notify the contractor to begin the process of identifying a candidate member by reviewing the list of DRB Candidate Members on the same website.

When the departments candidate member is identified by project personnel, the candidate members resume, disclosure statement and list of current DRB assignments shall be submitted to the District Construction Office (DCO) for review, consideration and acceptance.

When the departments candidate member is approved by the DCO, the members resume, disclosure statement and list of current DRB assignments shall be submitted to contractor for review, consideration and acceptance. The contractor is allowed 10 days to review the resume, disclosure statement and list of DRB assignments of the departments member for the purpose of accepting or rejecting their participation on the DRB. Failure to give notice within 10 days shall be construed as acceptance.

Once the contractors candidate member is identified, the members resume, disclosure statement and list of current DRB assignments shall be immediately submitted to the DCO for review, consideration and acceptance. The department is allowed 10 days to review the resume, disclosure statement and list of DRB assignments of the contractors member for the purpose of accepting or rejecting their participation on the DRB. Failure to give notice within 10 days shall be construed as acceptance.

Upon acceptance by both parties, these members will select a 3rd member who typically serves as the DRB Chair. Both the department and contractor are allowed 10 days to review the resume, disclosure statement and list of DRB assignments of the 3rd member for the purpose of accepting or rejecting their participation on the DRB for the project. Failure to give notice within 10 days shall be construed as acceptance.

DISPUTES REVIEW BOARD THREE PARTY AGREEMENT PROCESSING GUIDELINES

Once both parties have accepted all DRB members, project personnel shall follow the instructions below when preparing and processing the DRB Three Party Agreement (TPA).

1.) Prepare 3 original DRB TPA forms (FDOT Form 700-011-02).

<http://formserver.dot.state.fl.us/MiscRepository/forms/70001102.pdf>

<http://formserver.dot.state.fl.us/MiscRepository/forms/w70001102.doc>

2.) Coordinate the Execution of 3 original TPA forms by each DRB Member.

3.) Coordinate the Execution of 3 original TPA forms by either the President or a Vice President of the contracting firm. If the agreement is NOT executed by either the President or a V.P., then the contractor must submit a Corporate Resolution which delegates binding contractual authority to the individual executing the document on behalf of the contracting firm.

4.) Project personnel shall insure the individual executing the TPA on behalf of the contractor legibly prints their name below their signature on each original TPA form.

5.) Submit 3 original TPA forms containing contractor and board member signatures to the DCO (Attention: Scott Presson, P.E.) for review and further processing.

Once the DCO review is complete, the required signatures of the District Construction Engineer and District One Legal staff will be obtained. All original TPA forms will be returned to project personnel for distribution as follows:

- Contractor – 1 original
- DRB Chairman – 1 original
- Project Files – 1 original

The DRB TPA form **MUST** be fully executed by all parties (DRB members, Contractor, District Construction Engineer and District One Legal staff) **BEFORE** the DRB can conduct a meeting on the project and payment can be issued to the DRB members for the meeting.

All questions related to the DRB selection process or DRB TPA processing shall be directed to Scott Presson, P.E. @ (863) 519-2228 or scott.presson@dot.state.fl.us .