

# **Dispute Resolution Guidance for 2016 PbM Pilot Program Projects**

For the mutual benefit of both parties, WisDOT promotes prompt resolution and advocates timely submission of disputes and responses to them.

A dispute should only be elevated to the next level when 1) an agreement cannot be reached at the current level within the agreed upon time or 2) if more than the agreed upon time has passed without a solution.

The Region Maintenance Supervisor should attempt to resolve emerging disputes with the direct involvement of the County Highway Commissioner as early as possible. If an emerging dispute cannot be resolved at the Region Maintenance Supervisor level, a written dispute must be filed and the following dispute resolution guidelines should be followed:

Project shall remain open (no final estimate processed) until dispute is resolved.

## **Level 1 – Region Operations Manager Dispute Review**

For any disputed work and materials, the Region Operations Manager will pursue resolution. All parties involved in a dispute are strongly encouraged to resolve the issue at the region level and within the terms of the agreement.

- The County Highway Commissioner will document and provide in writing:
  - A concise description of dispute.
  - A clear contractual basis for the dispute.
  - A concise statement of the circumstances surrounding the dispute.
  - A complete breakdown of all associated costs.
- The Regional Operations Manager will make a determination of resolution and provide in writing to the Highway County Commissioner and the State Maintenance Engineer.

## **Level 2 – Bureau of Highway Maintenance Three-Party-Panel Dispute Review**

- If a dispute is elevated to the next level, the Region Operations Manager should forward all information to the Bureau of Highway Maintenance for review by a three-party-panel comprised of the (1) Deputy Administrator - Statewide Bureaus of Division of Transportation Systems Development, (2) Director for the Bureau of Highway Maintenance, and (3) State Maintenance Engineer.
- This three-party-panel, acting in its capacity for facilitating resolution of the disputes, will review and provide a written decision to the Region Operations Manager and County Highway Commissioner.