

WisDOT Solicitation for Dispute Resolution Board Members

INTRODUCTION

The Wisconsin Department of Transportation (department) in cooperation with highway industry partners has developed a new dispute/claim resolution process that provides an opportunity for a third party review of a dispute/claim. The new process will provide opportunity for issues to be resolved utilizing several options. This flexibility will enable the resolution process to be aimed in a direction that may facilitate an expedient resolution.

The 2011 standard specifications, which will be in effect with the December 2010 let, will reflect the new opportunities available for dispute resolution. Although these revised standard specifications will be forthcoming, the current specifications allow alternative dispute resolution (ADR) as an available option for resolving unsettled disputes/claims. Because ADR encompasses the additional options that will be offered under the future dispute/claims process, the newly developed process can be made available prior to future specification revisions and can be utilized during the 2010 construction season.

The current specifications prescribe three distinct claim/dispute review levels – they are as follows:

- Region Review
- Bureau of Project Development Review
- Panel Review

In lieu of a review at any of these three levels, alternative dispute resolution (ADR) may be employed when mutually agreed to by both parties.

The 2011 specifications will maintain the three levels of review and ADR, but will specifically include the following additional claim/dispute resolution options:

- At the Region Review level an informal neutral third party review (Single member Dispute Review Board - advisory opinion) will be available when mutually agreed upon by the department and contractor.
- At the Bureau Review level a neutral third party review (Dispute Review Board) will be available in lieu of the bureau review when mutually agreed upon by the department and contractor.
- At the Panel Review level a neutral third party review (Dispute Review Board) will be available in lieu of the panel review if either party requests – mutual consent is not needed.

To expedite the DRB process, the department will assemble a standing roster of prequalified DRB members from which a DRB can be assembled. DRB members are required to meet all criteria and requirements prescribed in the department's dispute resolution procedures and three-party agreement.

This document is intended to solicit participation and inclusion on the statewide standing roster of prequalified DRB members.

PARTICIPATION ON THE STATEWIDE STANDING DRB MEMBER ROSTER

Interested candidates are advised to review the department's dispute resolution procedures for formal and informal dispute review boards and the corresponding three-party agreements. These documents prescribe the qualifications necessary and selection criteria for inclusion on the DRB roster. These documents can be found at the WisDOT roadway standards website:

<https://wisconsin.dot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/rdwy/admin.aspx>

SUBMISSION REQUIREMENTS

Interested qualified candidates are required to complete the Dispute Review Board (DRB) Candidate Solicitation form available at the website listed in the preceding paragraph.

Applications will be accepted on a continual basis. The Bureau of Project Development and the Wisconsin Transportation Builders Association (WTBA) will periodically review applications and jointly decide acceptance of applicants. Candidates will be notified by email if they have been accepted and added to the statewide roster. Please be sure to provide your email address on the application form.

Questions concerning completion of the form or the DRB process may be directed to the following email address:

DOTDTSDBPDDisputeReviewBoard@wi.gov

DRB SELECTION AND REIMBURSEMENT

When assembling a DRB, the department and the contractor will each select a board member. They are required to contact their selected board members prior to submitting their selection to ensure the individual's availability and to attain the required disclosures from their selected board member. Selected board members must submit a disclosure statement to the party that contacted them. The two selected and approved board members will then be charged with the selection of a chair from the department's standing roster. The department and the contractor may mutually agree to limit selection of the chair based on predetermined criteria – such as hourly fee and area of expertise.

When selected onto a DRB, members will be compensated as prescribed in the three-party agreement. The three-party agreement will reflect the board member's latest declared hourly fee. Board member services shall be billed at or below the DRB's hourly fee contained in the three-party agreement. After the department and the contractor have agreed on the DRB members, the department will prepare the three-party agreement and send it to the member(s) and contractor for signatures prior to execution by department.

Members on the standing roster may change their declared hourly rate by notifying the department at the same email address provided above for application submittals.