DISPUTE REVIEW BOARD (DRB) PROCESS FLOWCHART

Durations (Business Days)

7 days — 5 days — 5 days — 3 days

Contractor Submits Claim Package to Engineer per Section 104.10 → Engineer Reviews and Provides Decision → Contractor Submits Appeal and Requests DRB Hearing → Engineer: -Notifies DRB Chairperson -Assembles Claim Package -Creates Claim File → Engineer Submits Claim File to DRB Chairperson for Review

Dispute Review Board Membership:
The DRB will consist of the following three members:

1. One member selected by the Engineer and approved by the Contractor,
2. One member selected by the Contractor and approved by the Engineer, and
3. The first two members will mutually select and agree upon the third member who will act as the chairperson for all DRB activities.

DRB panel members are to be nominated immediately after project award. All parties must review and approve DRB panel members and the DRB panel chair prior to the preconstruction meeting and before work operations start.

Notes:
The Engineer will record all dates of the DRB process in the claims tracking database (CTD). The RCE and CFS Construction Contract Engineer are to be invited to all DRB hearings

The DRB decision is solely for merit of the claim or dispute. Either party may request the DRB panel provide a non-binding recommendation on financial compensation. Any financial compensation recommendation must still be negotiated between the Engineer and Contractor and obtain appropriate approvals, including the FHWA, per the most current contract modification process and the MDOT/FHWA Stewardship Agreement.

The FHWA Area Engineer is to be informed by the Engineer of all DRB submittals, meetings, hearings, and appeals related to DRB issues on Projects of Division Interest (PoDI) and Projects of Corporate Interest (PoCI). DRB issues are to be discussed with the FHWA Area Engineer by the Engineer in the same manner as contractor claims.

(10 days from Appeal Submittal to Appeal Hearing)

DRB Chair Reviews Claim & May Request Additional Information ↔ Parties Provide Requested Additional Information

10 days

Engineer Receives Proof of Payment from Contractor to DRB Members

DRB Hearing/Appeal Conducted

Engineer Processes Shared Cost to Reimburse Contractor

DRB Issues Recommendation

7 days

5 days

Yes — Contractor or Engineer Submits Appeal to DRB Recommendation — **No** → Contractor or Engineer Submits Rejection to DRB Recommendation — **No** → Contractor and Engineer both Accept DRB Recommendation

Yes

Exhausted Administrative Options; Engineer Provides Final Direction on Claim; Contractor May Pursue Further Legal Action

If Required, Contract Modification to Contractor

5 days

DRB Procedures:
http://www.michigan.gov/documents/mdot/MDOT_DRB_Procedures_Revised_11162015_505977_7.pdf

Approved DRB Candidates:
http://www.michigan.gov/documents/mdot/MDOT_DRB_Candidate_List_417462_7.pdf

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