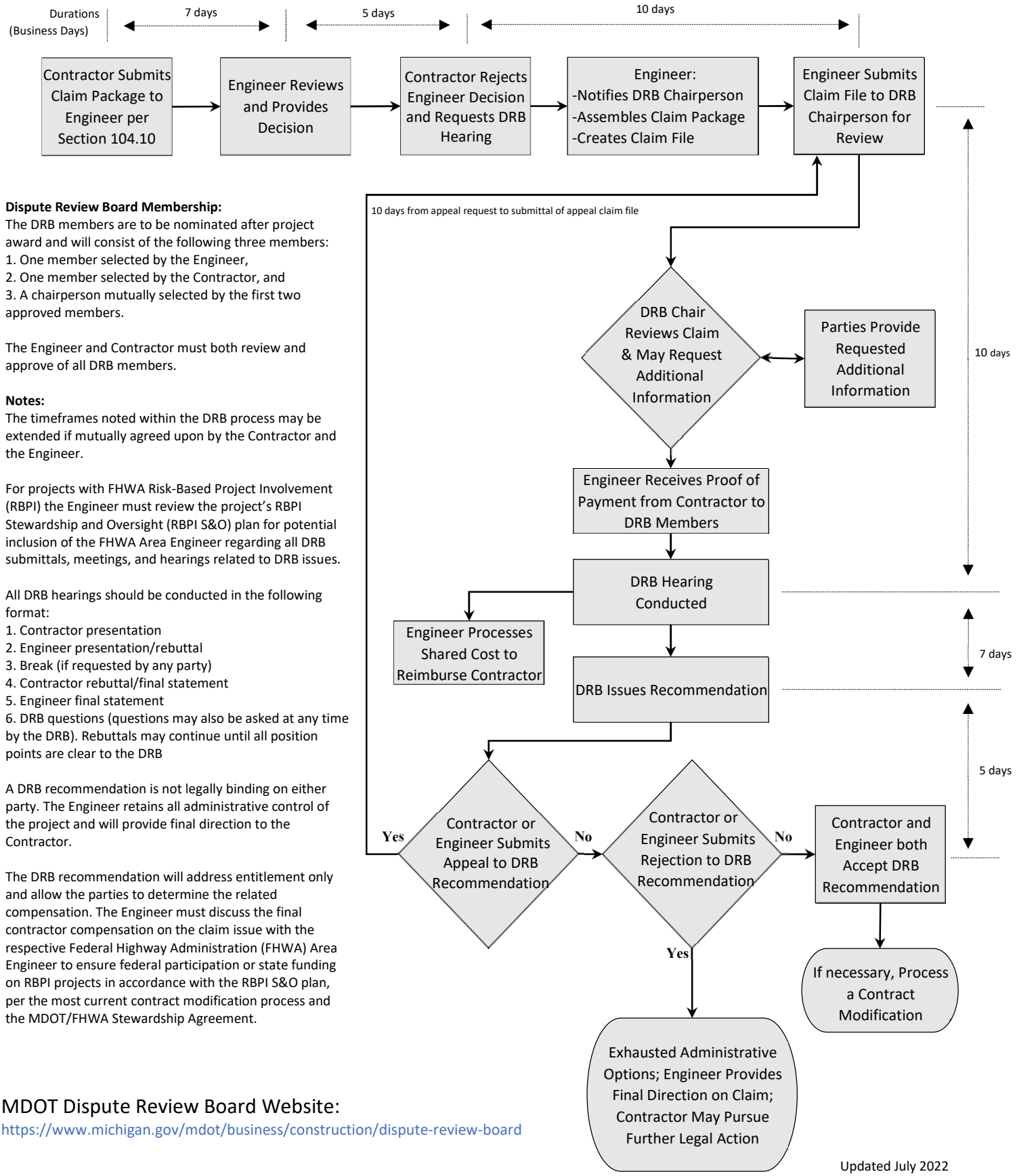
DISPUTE REVIEW BOARD (DRB) PROCESS FLOWCHART

Effective for projects let on and after June 5, 2020



Dispute Review Board Membership:
The DRB members are to be nominated after project award and will consist of the following three members:
1. One member selected by the Engineer,
2. One member selected by the Contractor, and
3. A chairperson mutually selected by the first two approved members.

The Engineer and Contractor must both review and approve of all DRB members.

Notes:
The timeframes noted within the DRB process may be extended if mutually agreed upon by the Contractor and the Engineer.

For projects with FHWA Risk-Based Project Involvement (RBPI) the Engineer must review the project's RBPI Stewardship and Oversight (RBPI S&O) plan for potential inclusion of the FHWA Area Engineer regarding all DRB submittals, meetings, and hearings related to DRB issues.

All DRB hearings should be conducted in the following format:
1. Contractor presentation
2. Engineer presentation/rebuttal
3. Break (if requested by any party)
4. Contractor rebuttal/final statement
5. Engineer final statement
6. DRB questions (questions may also be asked at any time by the DRB). Rebuttals may continue until all position points are clear to the DRB

A DRB recommendation is not legally binding on either party. The Engineer retains all administrative control of the project and will provide final direction to the Contractor.

The DRB recommendation will address entitlement only and allow the parties to determine the related compensation. The Engineer must discuss the final contractor compensation on the claim issue with the respective Federal Highway Administration (FHWA) Area Engineer to ensure federal participation or state funding on RBPI projects in accordance with the RBPI S&O plan, per the most current contract modification process and the MDOT/FHWA Stewardship Agreement.

MDOT Dispute Review Board Website:
https://www.michigan.gov/mdot/business/construction/dispute-review-board

Updated July 2022