

Dispute Board Concepts Internationally – Divergence or Convergence? The USA Approach

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Dispute Resolution Board Foundation. *Moving projects forward* since 1996.



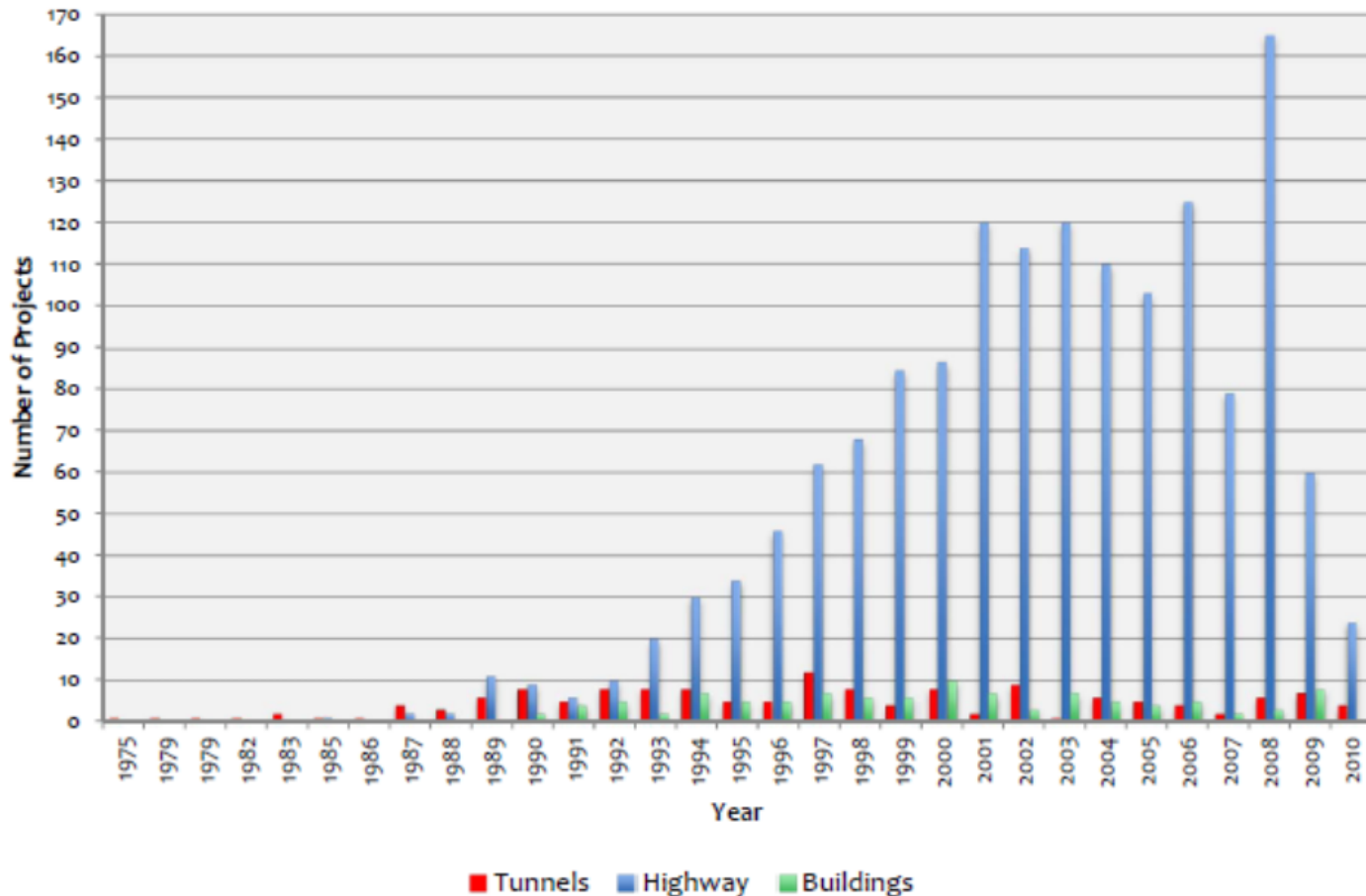
DRB Procedures in USA

→ REGION I HISTORY

- 1975 – 1976 Total of 9 DRB – Tunnels
- 1977 – 1988 Total of 30 DRB – Hydro, Water/Sewer, Airport – Region II
- 1989 – 1992 Highways Started
- 1993 Rapid Growth of Hwys Plus vertical Construction
- 2001 – Over 150 projects / year being added to the 1000

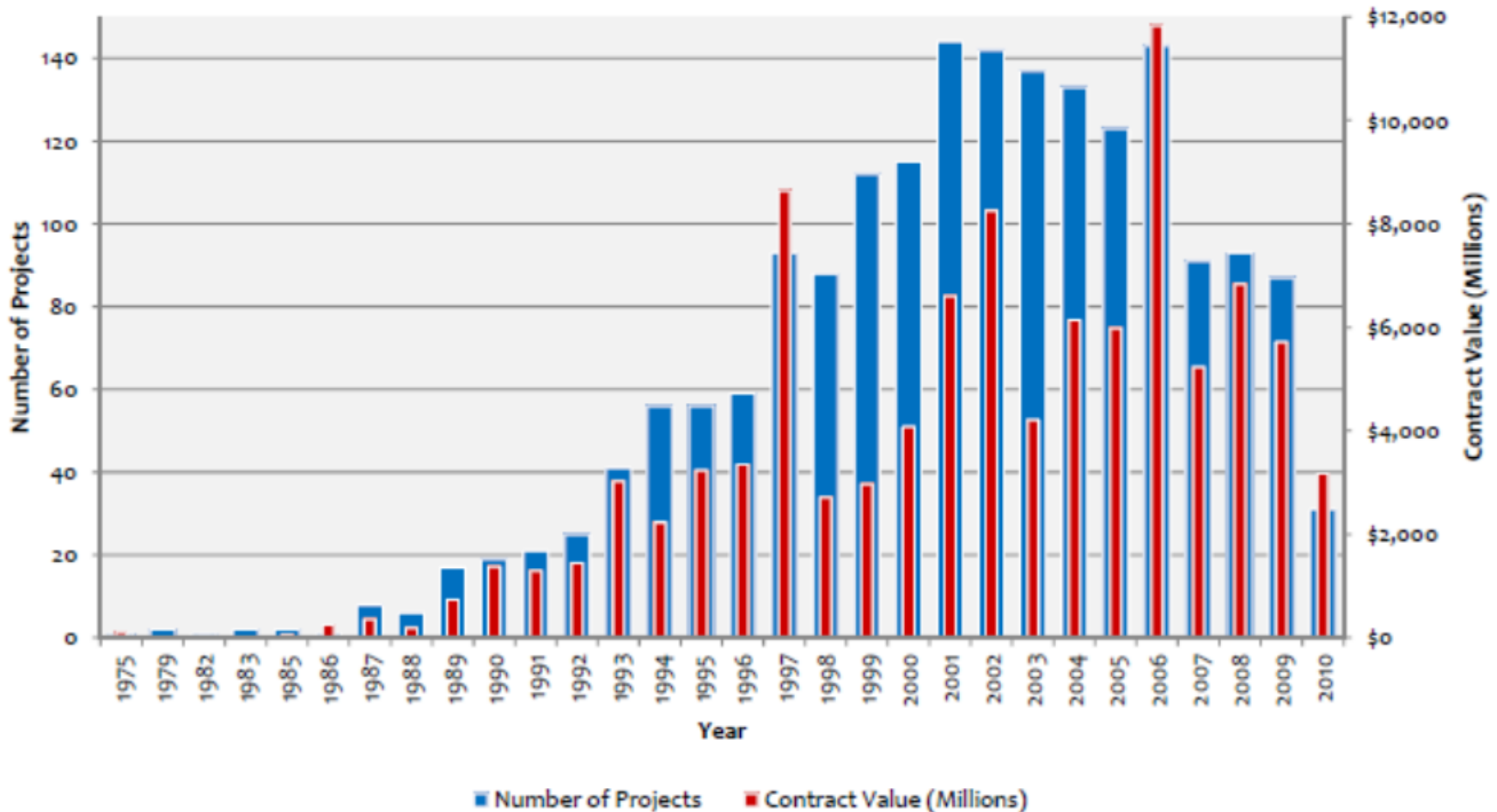
DRB Procedures in USA

Region I DRB Tunnel, Highway & Building Projects Only



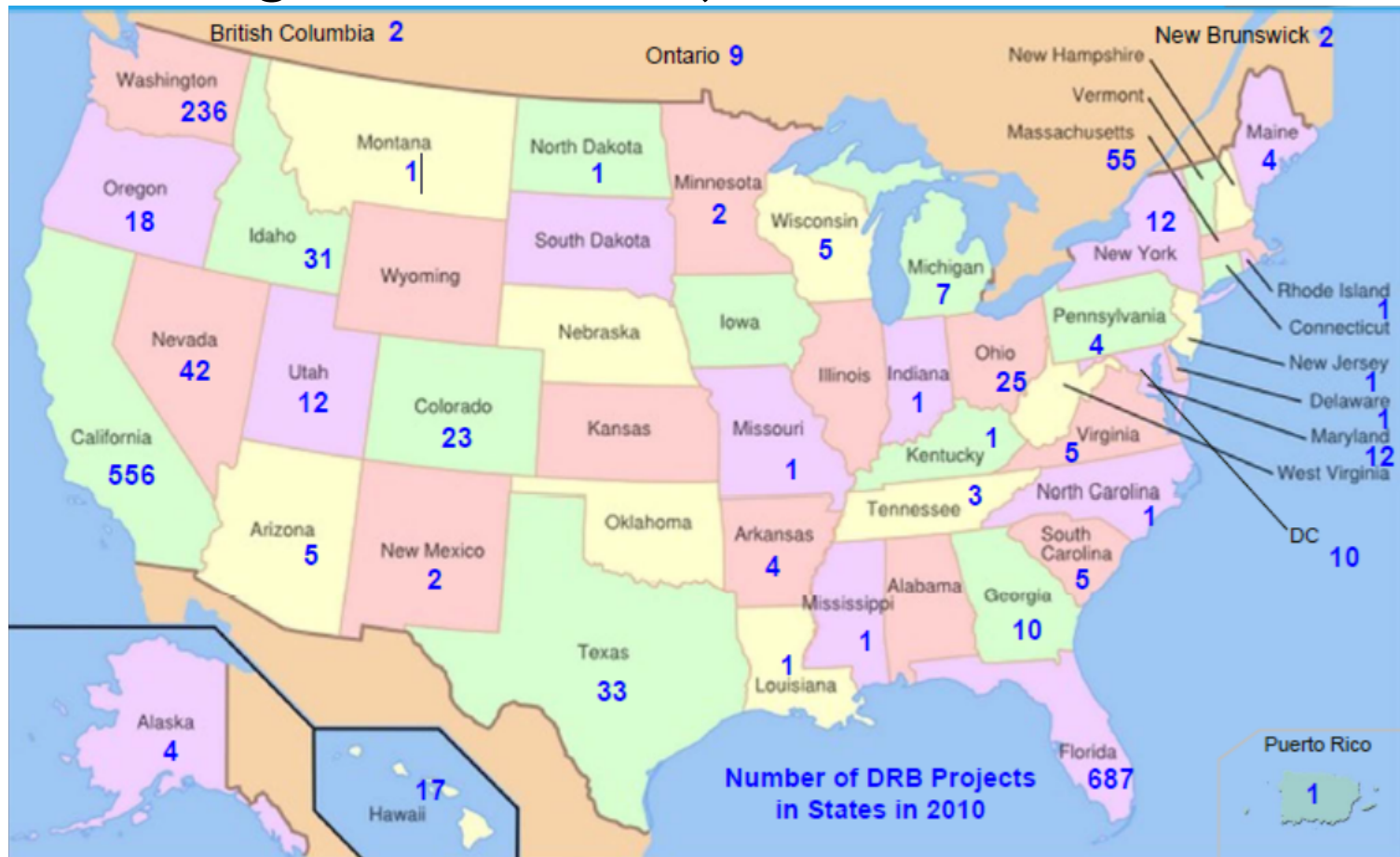
DRB Procedures in USA

Total Projects by Year



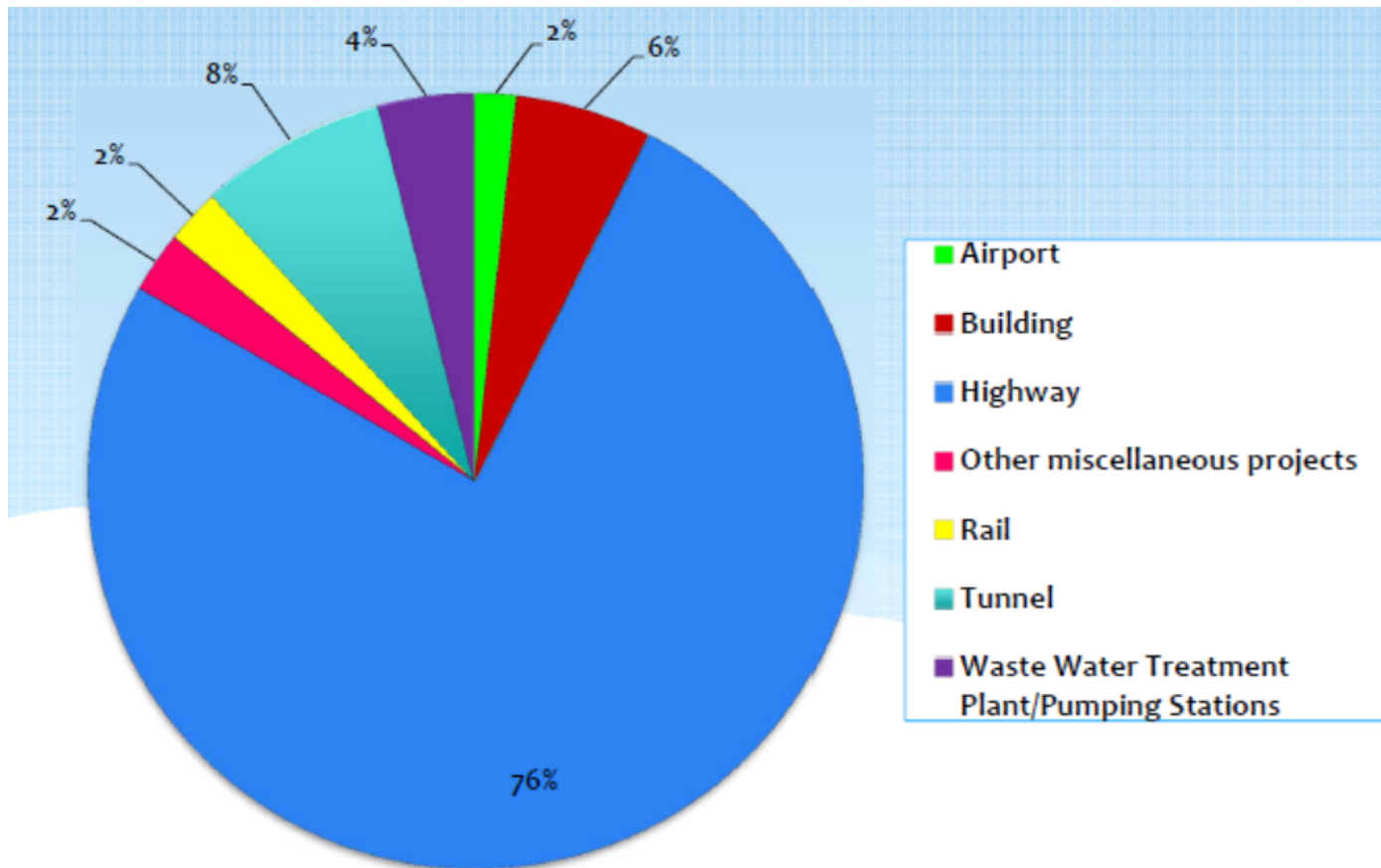
DRB Procedures in USA

Region I DRB Projects 1975-2010



DRB Procedures in USA

Region I DRB Projects 1975-2010



DRB Procedures in USA

→ CONTRACT DOCUMENTS

- Public agencies dictate contract form
- Federal – State – County – City
- Variety of Districts within above – Schools, Utilities
- Thousands of different contracts
- Federal & State Statutes along with Case Law can supersede contract provisions

DRB Procedures in USA

→ PROCUREMENT METHODS

- Historically DBB – Design, Bid, Build
- Design-Build
- GCCM – General Contractor Construction Manager
- Design – Finance – Build - Operate

DRB Procedures in USA

- DRB SPECIFICATIONS / OPERATING PROCEDURES
 - Wide variety of DRB specifications and operating procedures
 - Always review these and verify the nine elements are contained

DRB Procedures in USA

→ DISPUTE AVOIDANCE AND PREVENTION

- First meeting of DRB schedule time for discussion of key elements / procedures / possibly a 2 – 4 hour training session
- Discuss the concept of advisory or informal hearing

DRB Procedures in USA

- DISPUTE AVOIDANCE AND PREVENTION
 - Urge the parties to hold the first meeting at the beginning of the project
 - Attend the weekly owner/engineer/contractor meeting
 - Review carefully standard documents – RFI's, submittals, change order logs, schedule updates – ask questions

DRB Procedures in USA

- DISPUTE AVOIDANCE AND PREVENTION
 - Conduct the site tour prior to the DRB meeting
 - Ask probing questions

DRB Procedures in USA

→ DISPUTE AVOIDANCE AND PREVENTION

Project Success Requires 3 “C”s

- Competency
- Communication
- Cooperation