

**Michigan Department of Transportation (MDOT)
Candidate Application for Dispute Review Board (DRB)**

A. Contact Information

Name: Marion L. Caldwell, Jr. Date: August 30, 2012
[REDACTED] City: Waxhaw State: NC Zip Code: 28173
Phone #: 631-896-1299 Email Address: tothehighcalling@carolina.rr.com

B. Professional Licenses/Registrations (Please provide name/type of license, state, expiration date and number.)

<u>Name/Type of License/Registration</u>	<u>State and Number</u>	<u>Expiration Year</u>
Professional Engineer	Virginia /0402008016	PE Emeritus/Lifetime License
Professional Engineer	New York /066338-1	PE /Lifetime License/Regis Inactive

C. Education/Related Training (Please list degree, college/other school and dates. Please indicate the location and date of your training.)

<u>University/College/Organization/Trade School</u>	<u>Degree/Certificate</u>	<u>Date/Year</u>
Stanford University	MS / Civil Engineering	1969
Virginia Military Institute	BS / Civil Engineering	1963
US Army War College	Graduate	1981
Institute for Management, J.L. Kellogg School of Management, Northwestern University	Graduate	1986
Dispute Resolution Board Foundation	DRB Update Training in Administration and Practice	2010

D. Construction Experience Summary

I have construction experience working in the following capacities:
Civil Engineer, Structural Engineer, Construction Manager

I have substantial experience in the following types of construction:

Bridge (Concrete), Bridge (Steel), Buildings, Earth Retaining Systems, Electrical Systems,
Environmental, Foundation, Highway, Landscaping, Marine, Mechanical, Tunnel,
Other (Describe): Bridge (Suspension), Airfield

E. Qualification Statement

Candidates shall have substantial experience in or directly related to public agency highway and bridge construction projects with or on behalf of federal, state, or local government agencies, particularly MDOT. Experience shall be a minimum of 10 years in active involvement, supervision, or management of public agency highway and bridge construction contracts preferably with an emphasis in resolution of disputes arising out of said contracts. Lawyers, attorneys, and/or legal counsel are not permitted to be DRB candidates nor are they permitted to serve on a DRB panel in any capacity.

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Provide a 500 word or less statement of your qualifications that explain how you meet the
aforementioned criteria:

My Resume is attached as requested. My last 18 years experience was in senior-level engineering and construction positions. Appropriate to my qualifications to serve as a DRB member for MDOT are my last two positions in federal and state public service and my consulting experience on three transportation project DRBs:

(1) As the Chief Executive Officer (Commander and District Engineer) of the New York District, USACE, I managed and directed the construction of the Army's largest base expansion since World War II, the building of an Army Division base at Fort Drum, NY (\$1.3 billion in 1989 dollars). Construction included: roads (35 miles), rail, bridges, airfield facilities, buildings of all types to base an Army Infantry Division ranging from family housing and barracks to headquarters and maintenance facilities, etc., co-generation power facilities, all utilities including communications (one of the Army's first fiber-optic systems), water, and sewage. In addition to the Fort Drum base expansion, the District was responsible for all army and air force construction in New England, New York and New Jersey. Additional types of projects consisted of hospitals, higher educational facilities (USMA at West Point), communications facilities (Ft. Monmouth, N.J.) and extreme cold weather construction at Thule AF Base, Greenland.

(2) As Chief Engineer with MTA Bridges and Tunnels, I directed the planning, design and construction of all capital and major maintenance for the Authority's seven bridges and two tunnels (Annual program exceeded \$160 million.) Major projects included: construction of new service facilities (Bridge and Tunnel Operation and Maintenance Facilities); toll plaza rehabilitation and modernization; complete bridge deck replacements; suspension bridge anchorage and suspension cable rehabilitation; tunnel deck, ceiling, lighting and tunnel liner rehabilitation; and tunnel ventilation plant rehabilitation.

I instituted the concept of "Partnering" as a disputes avoidance process. Bridges and Tunnels partnered all major construction projects with all parties involved in the construction process: contractor, construction manager, designer and the Authority's Engineer. There were times that I led the mediation resolution process with the senior company and Authority principals reaching agreement. As Chief Engineer I analyzed and made final binding decisions on claims/disputes that required a "Chief Engineer" decision.

(3) I have served as Chairman of a DRB for a \$260 million New York City Transit subway tunnel design-build construction project in New York City and as a Member of two DRBs for \$600 million of design-build turnpike construction in North Carolina. These Boards provided/provide binding and non-binding dispute decisions, non-binding advisory opinions and mediation assistance to the parties.

F. General Experience Summary

Please provide a brief description of your experience in 25 words or less. If you are approved to be a DRB candidate, this information will be included next to your name on the Dispute Review Board Candidates List posted on MDOT's website.

Description:

(1)As CEO managed \$1.3 billion Army project, included 35 miles of roads and bridges. (2) Chief Engineer for Bridge and Tunnel Authority w/ \$160 million annual program. (3) DRB Chairman/Member for \$680 million transportation projects.

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G. DRB Experience (include past and current experience if applicable)

<u>Experience</u>	<u>MDOT</u>	<u>Other Public Agencies</u>	<u>Private Construction</u>	<u>Total</u>
# of Jobs as DRB Member		2		2
# of Jobs as DRB Chair		1		1

H. Conflict of Interest and Ethics Statement

I will provide a conflict of interest statement and a disclosure statement describing past, present, anticipated, and planned relationships, including indirect relationships through my present employer, to other parties involved in a construction project, including but not limited to, relevant construction engineering and inspection (CEI) firms, contractors, or suppliers to the parties, parties' principals, or parties' counsel. Furthermore, I will disclose any close professional or personal relationships with all key members in the project. This will be completed prior to accepting a nomination to serve on a DRB panel for any construction project.

I agree

I do not agree

I. Compensation

I agree that I will be fully compensated in accordance with the terms and conditions of the contract and Dispute Review Board Agreement. This will be full compensation for on site time, review time, travel expenses, transportation, lodging, time for travel and incidentals for each day, or portion thereof that I am at an authorized DRB hearing. In addition, I will be paid the appropriate rate specified in the Dispute Review Board Agreement for additional days necessary to conduct a hearing that has been authorized.

I agree

I do not agree

J. Professional References

Provide the following information for at least two references to attest to your professional experience as depicted in this application. In addition, these references should be able to attest to your suitability to perform as a DRB member and provide additional information about you.

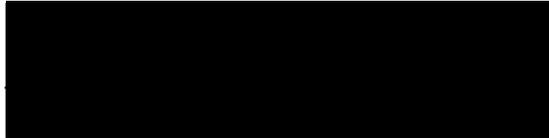
<u>Name:</u>	<u>Address:</u>	<u>Phone:</u>
Michael C. Ascher (Former President, MTA Bridges and Tunnels)	████████████████████ Pinehurst, NC 28374	910 420 2507
Phillip Bonanno (Former President, J.F. White Contracting Co.)	████████████████████ Naples, FL 34103	508 361 1635

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Certification and Acknowledgement

X The information in this application is true and accurate to the best of my knowledge, information, and belief. Moreover, I acknowledge that submittal of this application is not a guarantee of work as a DRB panel member. I further acknowledge that there is a selection and approval process that must occur in order to be a part of a project specific DRB panel. (Must be checked to submit form).

Signature of Applicant:



Send Completed Form to:

R. Jason Clark, P.E.
Construction Contracts Engineer
8885 Ricks Rd
PO Box 30049
Lansing, MI 48909

ClarkJ25@michigan.gov

Marion L. Caldwell, Jr.
[REDACTED]
Waxhaw, NC 28173-8265
631-896-1299
tothehighcalling@carolina.rr.com

1. Resume of Professional Experience:

1999 to Present: Consultant.

- Alternate Dispute Resolution: Chairman of a Disputes Review Board (DRB) for a \$260 million New York City Transit subway tunnel design-build construction project in New York City. Member of two DRBs for \$600 million of design-build turnpike construction in North Carolina. These Boards provided/provide binding and non-binding dispute decisions, non-binding advisory opinions and mediation assistance to the parties.

1989 to 1999: Metropolitan Transportation Authority Bridges and Tunnels (Triborough Bridge and Tunnel Authority) Vice President and Chief Engineer

- Directed the planning, design and construction of Capital and Major Maintenance projects for the seven bridges and two tunnels that link the boroughs of New York City. The annual construction program exceeded \$160 million (1999 dollars). Beginning with a staff of some 30 personnel, developed a new organizational structure and hired a staff of 170 professionals with responsibility for all the engineering, architectural and construction management disciplines needed to manage a program of this magnitude.
- Directed the development and implementation of the Authority's \$17 million annual bridge painting program. Developed and implemented the Biennial Bridge Inspection program to insure the structural integrity of the Authority's facilities.
- Directed the development, construction and integration of an electronic toll collection system (E-ZPass) for the Authority. Served as the Authority's representative on the E-ZPass Interagency Group Policy Committee charged with developing electronic toll policies for integrated toll collection by eight public authorities in three states. E-ZPass now serves motorists in eleven states.

1963 to 1989: U.S. Army Corps of Engineers (Retired with the rank of Colonel in 1989.)

- **Commander and District Engineer, New York District.** As the CEO, directed and managed overall military design and construction for the army and air force in New England, New York and Northern New Jersey. Was responsible for the Corps' water resource development, navigation and regulatory activities in eastern and south central New York state and northern New Jersey. As the Corps' Supervisor of the New York Harbor, was responsible of maintaining the navigable waterways in the harbor. Directed the construction of the largest single base expansion undertaken in the United States by the Army in the previous 40 years (Fort Drum N.Y. for \$1.3 billion [1989 dollars]) consisting of all infrastructure, operational facilities and housing for a 23,000 person community.
- **Deputy Commander and Deputy Division Engineer, Missouri River Division.** As COO directed the construction program management of three sensitive Air Force programs: Consolidated Space Operations Center, Peacekeeper Missile and B 1-B bomber operational facilities. Aggressively monitored costs and schedules to insure on time delivery of over \$800 million of strategic construction.
- **Chief, Infrastructure Branch, Supreme Headquarters Allied Powers Europe (SHAPE).** As SHAPE's senior engineer, initiated and implemented a five year, \$5 billion international construction program. Directed all program budgeting for allied military facilities in ten nations; articulated and defended a \$1 billion annual construction budget before NATO's international finance committees. Formulated and approved all construction criteria and standards for Allied Command Europe's NATO Infrastructure Program.
- **Commanded troop units at Platoon, Company, Battalion and Brigade levels.**
- **Staff Officer at Battalion, Theater Army, Joint International and Joint Defense Agency levels.**

2. Detailed Experience Narrative:

Paragraph one provides a summary of my experience while serving in the U.S. Army Corps of Engineers and with the MTA Bridges and Tunnels, a period of some 36 years. My last 18 years experience was in senior-level engineering and construction positions. More appropriate to my qualifications to serve as a consultant for Alternate Dispute Resolution are my last two positions. I served as the Chief Executive Officer (Commander and District Engineer) of the New York District, USACE, for three years (1986-1989) retiring from the Army as a Colonel. I joined MTA Bridges and Tunnels as Vice President and Chief Engineer in 1989 and served until retirement with that agency in 1999.

- As District Engineer for the New York District, I managed and directed the construction of the Army's largest base expansion since World War II, the building of an Army Division base at Fort Drum, NY (\$1.3 billion in

1989 dollars). Construction included: roads, rail, bridges, airfield facilities, buildings of all types to base an Army Infantry Division ranging from family housing and barracks to headquarters and maintenance facilities, etc., co-generation power facilities, all utilities including communications (one of the Army's first fiber-optic systems), water, and sewage. In addition to the Fort Drum base expansion, the District was responsible for all army and air force construction in New England, New York and New Jersey. Additional types of projects consisted of hospitals, higher educational facilities (USMA at West Point), communications facilities (Ft. Monmouth, N.J.) and extreme cold weather construction at Thule AF Base, Greenland.

- The New York District, under the Corps Civil Works Program, was also responsible for the planning, design and construction of water resource projects (flood protection, NY harbor dredging), and issuing or denying water resource permits for any private construction projects impacting wetlands or navigable waterways. The District was considered "lead" agency for several Federal Environmental Impact Statements. As District Engineer, I was responsible for holding public hearings to obtain input to the EIS decision process. In some cases I chaired those hearings. During my tenure, the District began dredging the New York Harbor to deepen navigation channels for the super-container ships entering the harbor for New York and New Jersey ports. This project continues today.
- The District Engineer is also titled "Supervisor of the New York Harbor", and as such is the Federal Law Enforcement Officer responsible for maintaining the navigable waterways of the Harbor. In fulfillment of this role, the District operated a fleet of ocean-going vessels to survey, remove obstructions to navigation in the Harbor and enforce Federal navigation laws.
- As Chief Engineer with MTA Bridges and Tunnels, I directed the planning, design and construction of all capital and major maintenance for the Authority's seven bridges and two tunnels (Annual program exceeded \$160 million.) Major projects included: construction of new service facilities (Bridge and Tunnel Operation and Maintenance Facilities); toll plaza rehabilitation and modernization; complete bridge deck replacements; suspension bridge anchorage and suspension cable rehabilitation; tunnel deck, ceiling, lighting and tunnel liner rehabilitation; and tunnel ventilation plant rehabilitation. In the early 1990s I established an organization within my department responsible for research and development of an electronic toll collection system. This resulted in the eventual design and installation of the New York region's first electronic toll collection system (E-ZPass).
- At MTA Bridges and Tunnels I instituted the concept of "Partnering" as a disputes avoidance process. Bridges and Tunnels partnered all major construction projects with all parties involved in the construction process: contractor, construction manager, designer and the Authority's Engineer and his/her staff as well as the Authority's Vice President of Procurement

and his staff. I personally participated with all firm principals at each Partnering Session. An Association of General Contractors (AGC) third party facilitator facilitated each of the kick-off sessions. Through this process we avoided costly dispute litigation, solving disputable issues through mutual agreement at the lowest possible level of management. There were times that I led the mediation resolution process with the senior company and Authority principals reaching agreement.

3. Experience with Project Discipline/Interpretation of Contract Documents:

- As indicated in paragraph 1 above, I have managed and directed major infrastructure construction for over eighteen years. Specifically are bridge and roadway construction; communications facility construction; general operational facility construction, toll plaza design, rehabilitation and modernization; tunnel rehabilitation of all facets; and tunnel ventilation plant rehabilitation. This experience covers civil, structural, electrical and mechanical construction techniques. I supervised the design, development and construction/installation of the first electronic toll collection system on the east coast. Our agency was one of eight agencies that cooperatively established interagency compatibility, jointly selecting (fly-off performance based specifications) and using the same electronic toll collection system (E-ZPass). This system has proven to set the standard for electronic toll collection and now services eleven states under the E-ZPass banner.
- As District Engineer with the New York District USACE, I was the Chief Procurement Officer responsible for all design and construction contract procurement. As Chief Engineer at MTA Bridges and Tunnels, I was responsible to interpret contracts in my role of making "Chief Engineer" final and binding decisions under the terms of our contracts.

4. Experience in Analysis and Resolution of Construction Claims:

- As Chief Engineer at MTA Bridges and Tunnels I analyzed and made final binding decisions on claims that required a "Chief Engineer" decision. As indicated in paragraph 2 above, I analyzed many claims and potential disputes through the partnering process, reaching mutual agreement with construction and design firms.
- As a consultant, I have served as the Chairman and as a Member of Disputes Review Boards in the settlement of contract disputes. These Board decisions were binding, non-binding as well as advisory. These Boards also assisted our clients by informal mediation. All of these efforts are intended to avoid costly dispute litigation.

- 5. Other Relevant Experience:** I served as an officer on numerous Boards and Committees with Professional and Engineering Organizations throughout my career, gaining experience in negotiation and consensus building. (American Society of Civil Engineers, Society of American Military Engineers, Construction

Management Association of America, and the Civil Engineering Research Foundation Advisory Board).

6. Integrity and Neutrality:

- My service, in both the federal and state public sector, speaks for my insistence on the highest standards of integrity, not only for myself, but those under my charge as well. This can be substantiated by references if required. My ability to maintain neutrality in the Chief Engineer decisions that I rendered while at MTA Bridges and Tunnels can be verified by the Authority and contractors with whom I've dealt with. I am able to interpret the contract and decide among the conflicting issues between an owner and its contractor in making sound recommendations for dispute settlement.

7. Education and Licenses:

- MS Civil Engineering, Stanford University.
- BS Civil Engineering, Virginia Military Institute.
- Graduate, U.S. Army War College.
- Graduate, Institute for Management, J.L. Kellogg School of Management, Northwestern University.
- Dispute Resolution Board Foundation Professional Development Training.
- Licensed Professional Engineer, New York and Virginia.

8. Honors and Awards:

- Defense Superior Service Metal, U.S. Department of Defense
- Legion of Merit, U.S. Department of the Army
- Bronze Star Metal (Four Awards in Combat), U.S. Department of the Army
- Air Metal (Two awards in Combat), U.S. Department of Defense
- Meritorious Service Metal (Five Awards), U.S. Department of the Army
- Army Commendation Metal (Three Awards, one for Valor in Combat)
- Engineer of the Year, New York City Chapter, American Society of Civil Engineers
- Fellow, Society of American Military Engineers

9. Professional References:

- Michael C. Ascher (Former President, MTA Bridges and Tunnels)
[REDACTED]
Pinehurst, NC 28374
Phone: 910 420 2507
- Walter Nagle (Former Vice President, MTA Bridges and Tunnels)
[REDACTED]
East Lime, CT 06333
Phone: 860 739 8784
- Philip Bonanno (Former President, J.F. White Contracting Co.)
[REDACTED]
Naples, FL 34103
Phone: 508 361 1635

Respectfully submitted,

[REDACTED]
Marion L. Caldwell, Jr.
Consultant
August 30, 2012