

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

A. Contact Information

Name: JOHN R. SPITTLER PE LEED AP	Date: 06 AUG 2012
City: SALINE	State: MI Zip Code: 48176
Phone #: 734.646.1006	Email Address: JOHN.SPITTLER@SPITTLERSTRATEGICSERVICES.COM

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

Name/Type of License/Registration	State and Number	Expiration Year
PROFESSIONAL ENGINEER	OHIO 45527	12/31/2013
" "	MICHIGAN 37876	10/31/2012
LEED ACCREDITED PROFESSIONAL		2009* RECEIVED

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

University/College/Organization/Trade School	Degree/Certificate	Date/Year
UNIVERSITY OF NOTRE DAME	B.S. CIVIL ENGINEERING	1975
UNIVERSITY OF MICHIGAN	M.S. C.E. CONSTR. ENG'G MGT	1976
UNIVERSITY OF MICHIGAN	PHD CANDIDATE C.E.	1990

D. Construction Experience Summary

I have construction experience working in the following capacities:

<input checked="" type="checkbox"/> Civil Engineer	<input type="checkbox"/> Architect	<input checked="" type="checkbox"/> Builder/Developer
<input checked="" type="checkbox"/> Structural Engineer	<input type="checkbox"/> Electrical Engineer	<input type="checkbox"/> Designer/Planner
<input type="checkbox"/> Geologist	<input checked="" type="checkbox"/> Land Surveyor	<input type="checkbox"/> Mechanical Engineer
<input checked="" type="checkbox"/> General Contractor	<input type="checkbox"/> Accountant	<input type="checkbox"/> Chemical Engineer
<input checked="" type="checkbox"/> Construction Manager	<input type="checkbox"/> Supplier/Manufacturer	<input type="checkbox"/> Environmental Engineer
<input type="checkbox"/> Sub/Specialty Contractor	<input checked="" type="checkbox"/> Owner Representative	<input type="checkbox"/> Landscape Architect
<input type="checkbox"/> Other (Describe) →	ARBITRATOR, MEDIATOR, CLAIMS CONSULTANT, COST ENGINEER, CRITICAL PATH SCHEDULING, DAMAGES, PROJECT DELIVERY	

I have substantial experience in the following types of construction:

<input checked="" type="checkbox"/> Bridge (Concrete)*	<input checked="" type="checkbox"/> Bridge (Steel)*	<input checked="" type="checkbox"/> Buildings
<input checked="" type="checkbox"/> Earth Retaining Systems	<input type="checkbox"/> Electrical Systems	<input type="checkbox"/> Environmental
<input checked="" type="checkbox"/> Foundation	<input type="checkbox"/> Highway	<input type="checkbox"/> Landscaping
<input type="checkbox"/> Marine	<input type="checkbox"/> Mechanical	<input checked="" type="checkbox"/> Tunnel
<input type="checkbox"/> Other (Describe) →	* SMALL BRIDGES; RESIDENTIAL DEVELOPMENT	

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.

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

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

I DO NOT HAVE ACTIVE INVOLVEMENT WITH MDOT PROJECTS.
I WAS A GENERAL CONTRACTOR FOR 18 YRS IN OHIO... PRIMARILY INDUSTRIAL, INSTITUTIONAL, WATER/WASTEWATER.
I SPENT 5 YRS AT UNIVERSITY OF MICHIGAN AS RESEARCH/TEACHING ASSISTANT WHILE PURSUING PHD IN CONSTR. ENGR & MGT.
I HAVE BEEN A PROJECT MGT CONSULTANT FOR 20 YEARS.
I HAVE BEEN ON THE AAA PANEL OF CONSTRUCTION ARBITRATORS FOR 18 YEARS & HAVE BEEN ON OVER 20 CASES AS SINGLE & 3-PERSON PANELS.
I WAS A MEMBER OF THE DISPUTE RESOLUTION TASK FORCE THAT TRAINED NEUTRALS FOR MDOT FOR DESIGN CONTRACTS. PETE DEVLIN HEADED THE PROGRAM. RALPH STEPHENSON CHAIRED.
I HAVE BEEN AN OWNERS REP/CONSULTANT FOR MANY STATE OF MICHIGAN PROJECTS WHILE WITH PMA, INCLUDING PRISONS, HALLS OF JUSTICE, CENTER FOR FORENSIC PSYCHIATRY, ETC.
I WAS ON THE TEAM THAT ASSISTED THE STATE OF MICHIGAN ATTORNEY GENERAL WITH THE DEVELOPMENT OF MICH SPEC.
I AM AN EXPERT WITNESS WHO HAS BEEN QUALIFIED IN VARIOUS JURISDICTIONS OVER THE PAST 20 YRS.
I ASSISTED MARICOPA COUNTY, ARIZONA AS AN ARBITRATOR/NEUTRAL FOR THEIR CORRECTIONAL FACILITY BUILDING PROGRAM.
PLEASE REFER TO ATTACHED C.V. FOR MORE INFORMATION.

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:

MR. SPITTLER IS A PROFESSIONAL ENGINEER WITH MORE THAN 40 YEARS EXPERIENCE IN CONSTRUCTION AND PROJECT MANAGEMENT. SIGNIFICANT EXPERTISE IN ALTERNATE DISPUTE RESOLUTION, SCHEDULING, COST/SCHEDULE PERFORMANCE, CONTRACT DOCUMENTS.

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

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

Experience	MDOT	Other Public Agencies	Private Construction	Total
# of Jobs as DRB Member	0			
# of Jobs as DRB Chair	0			

* ALL EXPERIENCE IS PART OF 3-PERSON ARBITRATION PANELS OR A SOLE ARBITRATOR.

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.

<input checked="" type="checkbox"/> I agree	<input type="checkbox"/> 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.

<input checked="" type="checkbox"/> I agree	<input type="checkbox"/> 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.

Name:	Address:	Phone:
ROBERT C. HALL	DESIGN & CONSTR. DIVISION STEVENS T. MASON	517.241.2822
OKEY ENELI	NATIONWIDE CHILDREN'S HOSPITAL, COLUMBUS OH	614.355.1556
MICHAEL REILLY ASST. A/G.	TRANSP. BLDG. 4 TH FLR 425 WEST OTTAWA LANSING	313.314.70

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

Certification and Acknowledgement

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

CURRICULUM VITAE OF JOHN R. SPITTLER, PE

EDUCATION

Ph.D. Candidate in Civil Engineering, University of Michigan, 1990
M.S. Civil Engineering (Construction Engineering and Management), University of Michigan, 1976
B.S. Civil Engineering, University of Notre Dame, 1975

REGISTRATION

Professional Engineer, Ohio #45587
Professional Engineer, Michigan #37876
LEED Accredited Professional

WORK EXPERIENCE

15 years with general contractor/CM firm; last eight as President
3 years Teaching/Research Assistant at University of Michigan
20 years with PMA Consultants as program, project and construction management consultant;
last 12 as Managing Principal
1 year Director with Navigant Consulting
Presently Owner/Managing Principal of Spittler Strategic Services LLC

COMPETENCY

More than forty years experience in general contracting and project management for major architectural, institutional, commercial, water/wastewater, industrial, and manufacturing/process projects. Significant expertise in project-delivery methods, alternate dispute resolution, planning and scheduling, cost estimating and engineering, change order and claims management, construction-contract negotiation and administration, bid-document preparation, sustainable construction and cost/schedule performance.

Assists clients such as the State of Michigan, Detroit Water and Sewerage Department, Ciena Health Management, University of Michigan, Commonwealth Edison, University of Chicago Medical Center, Mount Union College, and private developers with implementing appropriate project-delivery approaches (i.e., D/B and IPD), including procurement and contract negotiation and administration and project close-out. Has led owner rep activities such as reviewing contractor-submitted CPM schedules, monitoring progress, and providing assistance to the owner and A/E with responses to issues of interpretation of the contract documents. Has developed Division 0 specifications, supplemental Division 0 specifications, scheduling specifications, and training seminars on the use of general conditions, scheduling, change order management, differing site conditions and termination. Has also assisted various construction managers, general contractors, and specialty contractors with dispute resolution issues. Has participated in judicial, mediation, and arbitration procedures. Has analyzed entitlement, schedule delay, labor inefficiencies, contractual obligations of parties, extended overhead costs and damages, reasonableness of change requests, differing site conditions, and so forth. Has performed variety of decision analyses and financial/economic analyses including feasibility studies, biddability reviews, life-cycle cost analyses, estimate simulations, schedule simulations, value engineering, constructability reviews, and design-alternative studies. Has been involved with LEED certification process during design and construction.

As an arbitrator/mediator/neutral has been involved individually and as a member of a 3-person panel on over twenty cases in the past 20 years.

Has authored more than 27 technical articles, routinely conducts technical workshops and seminars on a variety of project management subjects and has been an adjunct professor assisting with the capstone design class at the University of Michigan for the past 5 years.

REPRESENTATIVE PROJECT LIST

Marathon Petroleum Detroit Heavy Oil Upgrade Project ♦ City of Detroit Wastewater Pump Station 2A ♦ City of Detroit Waterworks Park ♦ State of Michigan Hall of Justice ♦ Kent County Aeronautics Board ♦ State of Michigan Center for Forensic Psychiatry ♦ University of Michigan School of Social Work ♦ State Prison of Southern Michigan Decentralization and Reorganization ♦ Our Lady of the Lake Medical Center ♦ Knapp Center for Biomedical Discovery ♦ Eastbank Plaza Towers, Grand Rapids ♦ Sunset Manor Retirement Center ♦ University of Chicago Hospitals Comer Pediatric Emergency Department and associated projects ♦ University of Massachusetts Medical Center (With GC/CM) Mount Union College, multiple buildings including natural sciences, administration, library, athletic facilities, dormitories, and classroom buildings ♦ Walsh College ♦ Crandall Medical Center ♦ Copeland Oaks Retirement Community ♦ Alliance City Hospital ♦ Columbiana County Community Hospital ♦ Kent State University Columbiana and Stark Counties Branches ♦ Allied Mills Dog Food Manufacturing Plant ♦ SanCap International Electrostatic Unit and Unwind Stand ♦ Central Coated Products Mfg Facility ♦ Babcock and Wilcox Hi-bay, Coal Liquefaction Process ♦ Sugardale Provision Company ♦ Coastal Pet Products Mfg Facility. ♦ American Steel Foundaries ♦ John Liber Meats ♦ Morgan Engineering ♦ Valley Forge ♦ Transue- Williams Stamping and Forging

PROFESSIONAL

Current: American Arbitration Association, Panel of Construction Arbitrators ♦ National Society of Professional Engineers ♦ Michigan Society of Professional Engineers ♦ American Society of Hospital Engineers ♦ PEC member; co-chair Alternate Dispute Resolution Initiative ♦ American Society of Civil Engineers ♦ American Association of Cost Engineers International.

Past: Ohio Contractors Association ♦ Builders Exchange of East Central Ohio; past president ♦ Builders Association of Eastern Ohio and Western Pennsylvania ♦ Assoc. General Contractors of America

TESTIMONY RENDERED AT TRIAL, MEDIATION, ARBITRATION OR BY DEPOSITION PAST FIVE YEARS

Turner Construction vs. Northland Development
Skidaway Health & Living Services, Inc vs. Manhattan Construction Company
Linda Demo, Administrator of the Estate of Melissa Cook, Deceased, et al., vs. Shorestein Management (John Hancock Building scaffold failure)
Imperial Components, Inc. vs. Village Green Construction
Guardian Electric vs. Anchor Bay Schools
Tri-County Electric vs. Rudolph/Libbe Inc. General Contractors
Sardo Construction vs. McCarthy Smith and St. Hedwig Cemetery Mausoleum
Demaria Building Company vs. Word of Faith

PUBLICATIONS AND LECTURES

- "Direct Range Estimating for Change Orders," American Association of Cost Engineers Transactions, Seattle, Washington, with John R. Knoke PE, PMA, June 1991.
- "Comparing Range Estimating Methods," Project Management Institute Transactions, with John R. Knoke PE, PMA, September 1991.
- "Change Order Pricing Concepts," University of Michigan College of Architecture and Urban Planning, Seminar: Redefining the Architect's Role During Construction, October 1991.
- "Change Order Pricing: Construction Equipment and Supply Costs," ProjExpo '92.
- "Dispute Resolution: Managing Construction Conflict with Step Negotiations," American Association of Cost Engineers, Transactions, Orlando, Florida, with Gary H. Jentzen PE, PMA, June 1992.
- "Recommendations for Reducing the Contingent Liability of Claims," APWA, June 1992.
- "Three Recommendations For Improving the Quality of Construction Contract Administration," American Institute of Architects, Practice Committee, Minneapolis, Minnesota, September 1992.
- "Square Foot Range Estimating," American Association of Cost Engineers, Dearborn, Michigan with Dr. Liang Lui, University of Illinois, and John R. Knoke, PE, PMA, July 1993.
- "Organizing the Negotiation Process: Techniques and Factors to Consider When Negotiating Lump Sum Changes on Behalf of the Owner," American Association of Cost Engineers, Transactions, Dearborn, Michigan, with Darrel D. Field PE, PMA and Michael Harvey PE, Metcalf & Eddy Inc., July 1993.
- "Cost Containment Through Effective Construction Management for Small Projects," The World Exposition of Facility Design and Management, with Michael E. Bitner, PMA, The World Exposition of Facility Design and Management, NeoCon 1994.
- "Meeting Objectives For Watershed Planning: A Decision Assessment Framework," WEFTEC, with Vyto Kaunelis PE, Carl Johnson PE, David Hunscher, 1996.
- "Effective Project Management in Bureaucracies", AACE International Transactions, Vancouver, British Columbia, Canada, with Courtney J. McCracken PE, PMA, June 1996
- "Construction Dispute Resolutions With Neutrals", National Society of Professional Engineers, presented at the Annual Meeting, July 1998.
- "The Detroit Experience: An Innovative Strategy for Design/Build/Maintain Contract Procurement", American Water Works Association (AWWA), with Awni S. Qaqish PE, DWSD, Michelle Kelly, DWSD, Darrel D. Field, PE, PMA, 1999
- "Time Constrained Project Delivery Issues," AACE International Transactions, Pittsburgh, PA, with Robert B. Brown, Michael B. Rowe, and Hoang-Nguyen, June 2001.
- "Conditional Lump Sum Pricing," AACE International Transactions, Pittsburgh, PA, with Robert Brown, June 2002
- "What an Owner Should Know About Termination; Article 14 of MichSpecTM" Seminar and Workshop for the State of Michigan, Department of Management and Budget, Office of Infrastructure Services, Ralph A. McMullen DNR Conference Center, October 30, 2002.
- "Analyzing Concurrent Delay When Using the "Lean" Approach to Scheduling," AACE International Transactions, Orlando, FL. June 2003.
- "Marshalling Quality and Technical Performance; Strategies for Design-Build Success," with Awni Qaqish and Charles Roarty, presented at the Design Institute of America Annual Meeting in San Diego, CA, February 2004.
- "Re-Baselining Baseline Schedules," Project Management Institute College of Scheduling, with Dr. Gui Ponce de Leon and Philip J. Spittler, presented April 2004 in Montreal, Canada at the first annual conference.
- "Paradigms that Cause Problems in Healthcare Construction," AACE International Transactions, Nashville TN June 2007

- “Managing Evidence Preservation at a Construction Accident Site,” with Robert B. Brown, PE, and John F. Lattyak, PE AACE International Transactions, Toronto, ON, Canada, July 2008.
- “Five Suggestions for Designing and Constructing Cost-Neutral Greener Facilities in the *Energy-Climate Era*” with Dax Ponce de Leon LEED AP and John Zann PE LEED AP AACEI International Transactions, Seattle Washington June 2009
- “Where is Project Delivery Headed?” with Eric L. Nelson, AACEI International Transactions, Anaheim, California, June 2011.