

**Michigan Department of Transportation**

**REQUEST FOR QUALIFICATIONS  
FOR  
CONSTRUCTION “SPECIALTY” SERVICES  
DISPUTE REVIEW BOARD (DRB)**

**LOCATION:**

Project locations are across the state of Michigan.

**SERVICE DESCRIPTION:**

To expand the prequalified applicant pool of candidates for MDOT’s Dispute Review Board (DRB) process.

**DETAILED DESCRIPTION:**

Using MDOT’s current claim process a contractor claim can have up to two official levels of review after issuance of an engineer decision. The first review is the Region Office Review (ROR) that typically takes place after a project has been completed or all work related to a particular claim issue is complete. This ensures that all issues can be addressed at one time. The panel for a ROR is generally comprised of three (3) experienced MDOT staff members from within the MDOT Region where the project is located. After the ROR, the contractor can request a Central Office Review (COR) be held in Lansing with three (3) manager level staff from other regions. The DRB special provision refines the current claims process by eliminating the ROR and COR meetings.

Unlike the ROR and COR, the DRB process is initiated shortly after the Engineer’s denial of the contractor’s request for additional compensation or time. A DRB panel is engaged to determine entitlement of the disputed issue. This allows a timelier review of the contractor’s request. These changes have reduced the amount of time that it currently takes to arrive at a final claim disposition.

The DRB process reduces the amount of MDOT staff time and costs that are required to reach a final claim disposition beyond the project level. The primary savings are the elimination of the MDOT three-member ROR and COR panels. These panels are replaced with an independent panel of three experts in the transportation construction field. Two of the DRB panel members would be independently selected by MDOT and the contractor. These nominees must be agreed upon by both parties from a pool of prequalified candidates. Whereas, the third member would be selected by the two panel members from the same prequalified pool of candidates and this person serves as the chair of the project DRB panel.

The cost for DRB panel hearings and appeal meetings are shared equally between MDOT and the contractor. The cost for DRB progress meetings is solely funded by MDOT. In all cases the panel is paid by the contractor and MDOT reimburses the contractor after payment to the panel. The lump sum compensation rates are considered full and complete compensation to the DRB panel members for all expenses (preparatory time, meeting time, travel, lodging, documentation production, etc.) related to hearings, appeal meetings or progress meetings.

**Key Dates:**

Applicants may submit qualifications to become DRB panel candidates at any time. This request for qualifications does not have a closure date; therefore, applications may be continuously submitted.

**PRIMARY PREQUALIFICATION CLASSIFICATION:**

Not Applicable

**MDOT PROJECT MANAGER:**

Michael DeBoer, P.E.  
Construction Contracts Engineer  
8885 Ricks Rd  
P.O. Box 30049  
Lansing, MI 48909  
DeBoerM@michigan.gov

Potential and approved candidates may be contacted by the MDOT Project Manager while being evaluated for inclusion in the applicant pool to clarify submitted information.

**CANDIDATE APPLICATION INFORMATION:**

MDOT is looking for DRB panel candidates with substantial experience in or directly related to highway and bridge construction projects with or on behalf of federal, state, or local government agencies, particularly MDOT or other Departments of Transportation.

Experience must be a minimum of 10 years in active involvement, supervision, or management of public agency highway and bridge construction contracts with a preferable emphasis in resolution of disputes arising out of said contracts. To be approved as a potential DRB panel candidate, a person must have attended the Dispute Resolution Board Foundation's (DRBF) Administration and Practices Workshop (<http://drb.org/events/training/>), or a MDOT hosted DRB training session. Applicants that do not have nor obtain the required training will not be approved to serve as a DRB panel member. However, these applicants will be listed on the pool candidate sheet with a "No" in the training column as a placeholder until they successfully complete the required training.

The DRB application and the three-party agreement (required if selected to serve as a DRB panel member); both contain Conflict of Interest language and requirements. DRB applicants will be required to provide a conflict of interest and disclosure statement describing past, present, anticipated, and planned relationships, including indirect relationships through their present employer, to other parties involved in a construction project if selected to serve as an actual DRB panel member. Disclosure of any close professional or personal relationships with all key members of the project is also required. This disclosure and conflict of interest information will be required prior to being approved to serve on a DRB panel for any construction project.

All applicants must complete and submit the Candidate Application document and state their specific training and experience that qualifies them to serve as a DRB candidate. A current resume

must be submitted in addition to the application. **Candidates are to submit their applications electronically to the Project Manager.** Electronic confirmation of receipt will be provided. The Candidate Application document will be electronically provided to interested parties by contacting the project manager.

If you are approved to be a DRB panel candidate; your DRB application and resume, including name, address, phone number, and email address will be provided for all interested parties to view, unless you specifically request that it be provided by request only.

If your application is denied you may contact the MDOT Project Manager to discuss why your application was denied. Appeals of denied applications will be reviewed and processed by the Bureau Director of Field Services. The MDOT Project Manager will facilitate the appeal request and process. All questions are to be directed to the MDOT Project Manager.

**GENERAL INFORMATION:**

The services described herein are partially financed with public funds. The candidate must comply with all applicable Federal and State laws, rules, and regulations.

If selected to serve on a project DRB panel, the candidate will be required to sign an agreement between MDOT, the Contractor, and the other two panel members.

The candidate agrees to demonstrate knowledge of, and performance in compliance with MDOT's standard construction practices; the project construction contract, proposal, and plans; MDOT's Standard Specifications for Construction and all applicable publications referenced within; MDOT's Construction Manual; the Materials Source Guide; the Materials Quality Assurance Procedures Manual; the Density Control Handbook; and any and all other references, guidelines, and procedures manuals needed to carry out the work described herein in an appropriate manner.

If applicable, the candidate must perform field operations in accordance with MDOT's Personal Protective Equipment (PPE) Policy as stated in the MDOT Guidance Document #10118. A current copy of MDOT's PPE Policy is available on the Bulletin Board System. The candidate must perform field operations in accordance with MIOSHA regulations and accepted safety practices.

Current DRB operating procedures can be found here:

[http://www.michigan.gov/documents/mdot/MDOT\\_DRB\\_Procedures\\_After10-06-2017\\_601636\\_7.pdf](http://www.michigan.gov/documents/mdot/MDOT_DRB_Procedures_After10-06-2017_601636_7.pdf)

The current DRB special provision can be requested from the MDOT Project Manager.

**PAYMENT TYPE:**

There will be no compensation provided for attendance at any training sessions.

Compensation for service as an actual DRB panel member has been established at a lump sum amount and will be provided by the prime contractor of the respective construction contract. Details can be found in the operating procedures and the Dispute Review Board special provision.