Introduction
Problem Provisions

- Recommendations not decisions
- Admissibility of recommendations
- Timely seating of the Board
- Ad hoc Boards
- Indemnification
- Timely scheduling of hearings
Essential Elements of Specification

- Scope and term
- Regular Meetings
- Hearing Process
- Panel Members
Post-Award Concerns

- Delay in establishing and convening DRB

- Non-adherence to DRB spec or operating procedures

- Failure to maintain regular meeting schedule

- Failure to be frank and open with DRB
Post-Award concerns (2)

- Delay in bringing conflicting positions to DRB
- Ineffective dispute resolution ladders
- DRB recommendation not used by the parties as a tool towards resolution
- Breaches of DRB agreement
Round Table: Challenges

- Failure to appreciate claims avoidance and mitigation value of DRBs
- Selection protocol builds trust and confidence
- Discovery beyond exchange of records
- Non-binding recommendation does not leave the job site
- Decision-maker does not attend
Deb’s First Dispute Board

Miami-Dade Center of Performing Arts

Project cost $450 Million
THANK YOU.

Please continue the conversation with us during lunch.