

Non-Standard Special Provision for Dispute Resolution Ladder

Add:

Section 5-1.15A, "General," is amended to read:

5-1.15A General

Section 5-1.15, "Dispute Resolution," applies to a contract with 100 or more working days unless a contract has a total bid less than \$3 million. Projects with total bids less than \$3 million do not have the working day constraint.

The dispute resolution process is not a substitute for filing an RFI or complying with the requirements of Section 5-1.146, "Potential Claims and Dispute Resolution."

Add:

5-1.15D Dispute Resolution Ladder

Section 5-1.15D, "Dispute Resolution Ladder," applies to a contract with a total bid below \$3 million.

The dispute resolution ladder, hereinafter referred to as "DRL," is an optional process.

At the preconstruction conference, at the kick-off partnering workshop, or at any time before contract acceptance, the Department offers you the option to use a dispute resolution ladder for alternative dispute resolution.

If you wish to use this process, submit names, titles, and contact information of your personnel corresponding to the levels of the Department's dispute resolution ladder. The Department's dispute resolution ladder, in ascending order is:

Field Level - Inspector

Level 1 - Resident Engineer

Level 2 - Area Construction Engineer

Level 3 - Area Construction Manager, Office Chief, or Deputy District Director of Construction, as designated by the Deputy District Director of Construction.

A dispute can be advanced up the ladder:

1. When agreement between personnel on a defined level cannot be reached within the specified time;
2. Upon agreement of personnel on a defined level and concurrence of the personnel at the next higher level.

A dispute must be elevated to Level 1 if agreement has not been reached within a day after the event that led to the dispute. A dispute must be elevated to Level 2 if agreement has not been reached within 5 days after the Engineer's response to an RFI or within 5 business days from the date when a dispute arises due to an act or failure to act by the Engineer. A dispute must be elevated to Level 3 if agreement has not been reached within 15 days after submittal of the Initial Potential Claim Record. If a dispute remains unresolved after Level 3 participation, continue to comply with Section 5-1.146, "Potential Claims and Dispute Resolution."

The Department does not pay your costs for participating in the DRL process.