

# Memorandum

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To: DEPUTY DISTRICT DIRECTORS, Construction  
DEPUTY DIVISION CHIEF, Structure Construction  
CONSTRUCTION MANAGERS  
SENIOR CONSTRUCTION ENGINEERS  
RESIDENT ENGINEERS

Date: January 31, 2022

File: Division of Construction  
CPD 22-2



From: RAMON HOPKINS, Chief  
Division of Construction

Subject: **UPDATED COVID-19 GUIDANCE ON ALTERNATIVE DISPUTE MEETINGS**

This directive supersedes CPD 20-21, "COVID-19 Effect on Alternative Dispute Resolution Process," and updates guidance to Construction staff on the alternative dispute resolution (ADR) process. Because of public health advice to avoid in-person meetings when possible, ADR meetings may be held remotely. The contractor and resident engineer will determine whether to hold the meetings in-person or remotely and the remote meeting method. Holding a remote alternative dispute resolution meeting should take into consideration all parties' concerns regarding the coronavirus disease (COVID-19); if one party has concerns regarding potential COVID-19 exposure, the meeting must be held remotely.

Remote alternative dispute meetings are based on the following conditions:

- All parties must attend the meeting via the same method.
- In case of remote meetings, dispute resolution members will be compensated for meeting time at the hourly rate specified in section 5-1.43E(1)(i) "Payment," of the *Standard Specifications* used for the contract. Compensated time will be rounded up for any fraction of an hour over 15 minutes.
- The resident engineer and contractor must authorize time used for off-site ADR member-related tasks and document hours using Form CEM-6214, "Dispute Resolution Chargeable Hours Authorization." Hours authorized for off-site ADR members will be paid in accordance with the contract specifications. For example, for each progress meeting the resident engineer and contractor authorize, chargeable hours include 2 hours for each dispute resolution member to prepare for the meeting and 1 hour for the chair to prepare the meeting notes.
- Caltrans will reimburse the contractor for:
  - Half of the invoiced costs for meetings when ADR is paid by change order.

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- Invoiced authorized hours paid using Bid Item 090207, “Hourly Off-Site Dispute Resolution Advisor-Related Tasks,” or Bid Item 090210, “Hourly Off-Site Dispute Resolution Board-Related Tasks,” when ADR is paid by bid item.
- No site visits are allowed by ADR members when meetings are conducted remotely. The resident engineer and contractor will determine if a virtual site visit is needed and will provide it.

For in-person meetings, dispute resolution members will be compensated in accordance with the contract specifications.

There should be no contract time extension for implementing this change. Attached to this directive are a sample change order memorandum and sample change order to implement the ADR remote meetings. This directive serves as delegation of authority from the Division of Construction for change order approval, except when change order language is altered.

If you have questions or comments regarding this directive, please contact Hani Romani, Division of Construction, at [Hani.Romani@dot.ca.gov](mailto:Hani.Romani@dot.ca.gov) or (916) 764-6850.

**Attachments:**

1. Sample Form CEM-4903, “Change Order Memorandum”
2. Sample Form CEM-4900, “Change Order”