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Members Guide

3 . 1 Introduction

This section of the Manual is written for Dispute Board members. It should be read in conjunction with corresponding chapters in the Users section, especially those portions on selection of the Chair, DRB meetings and hearings.

This section incorporates the extensive experience gained with DRBs since the 1996 Manual, and identifies practices that work best. It describes:

- The Code of Ethics [3.2]
- Establishment of the DRB [3.3]
 - Identification of Board members
 - Member selection process
 - Selection of Chair
 - Preparation for first meeting with the parties
 - Preliminary meeting of Board members
- Operation of the DRB [3.4]
 - First meeting with the parties
 - Subsequent meetings with the parties
 - Conduct of DRB during meetings and site visits
 - Board member duties between meetings
 - Board Chair duties between meetings
 - Behaviors that obstruct the DRB process
- Advisory Opinions [3.5]
- Hearings [3.6]
 - Preparations
 - Rebuttal Papers
 - Conducting hearings
 - Disputes involving subcontractors
 - Disputes over the DRB's authority to hear disputes
 - A party's refusal to attend
- Deliberations and Report [3.7]
 - Deliberations
 - Report and recommendations
 - Minority reports
 - Delivering the report
 - Acceptance/rejection
 - Clarifications
 - Reconsideration or appeal to the DRB

- Resignation [3.8]

Appendices to this section are:

- Example of Disclosure Statement – Appendix 3A*
- Example of DRB Operating Procedures – Appendix 3B*
- Examples of Meeting Agendas – Appendix 3C*
- Example of Hearing Agenda – Appendix 3D*
- Sample Format of DRB Report – Appendix 3E
- Examples of Reports – Appendix 3F

This section's usefulness will vary depending on the user's familiarity and past experience with the process, but should be of interest to all practitioners. Board members who are new to the DRB process and members that have experienced difficulties with the process may find this section particularly helpful.

The DRB process is intended to be flexible. Application can vary widely depending on the situation and the parties involved. However, the Best Practice Guidelines [1.2.2] are universally applicable and modifications to any of these may jeopardize the process. Other facets, such as those covered in the chapters on operation, advisory opinions, hearings, and resignation are subject to the provisions of the contract, and to the situation and the parties. The material in these chapters and the appendices present common application and is not intended to be prescriptive.

This section will be revised as necessary to reflect experience gained through continued use of DRBs.

** Appendices A, B, C and D can be downloaded as Microsoft Word documents so they may be customized.*