

FDOT DRB QUALIFICATION SUMMARY - JAMES GUYER

(Detailed Resume attached)

*In accordance with the **FDOT Contract Specification 8-3.7.4 stated qualifications**, this cover page summarizes either meeting or exceeding each of the five (5) specified qualifications required to serve as a member or Chairperson on a FDOT project Disputes Review Board ...*

1. EXPERIENCE - At least ten years of experience with the type of construction involved in this project. 45+ years:

As a teenager began as a construction worker backfilling storm pipe, holding stringline for lime-rock base, and leveling, tying rebar, forming and pouring concrete slabs, foundations, and walls. His work experience comprises about **85% of the experience in construction and 15% in engineering and design**. Managed the construction of roadways, bridges, piling, weigh-in-motion, natural gas pipelines and compressor stations take-or-pay contracts, marine structures, piling, buildings, civil projects, dredge cuts/fills, beach restoration, estimating, bidding, CPM schedule, surveys, maps, blueprints, bonds, surety, geological, soils analysis, and environmental. To a lesser extent project managing tie-beams, plans/specs/masonry, stucco, painting, steel erection, concrete, rebar, asphalt, roofing, walls, plumbing, HVAC, security, site work, and drainage.

As Project Engineer for the Owner, writing or managing General contracts, contract, general/supplemental conditions, fixed cost, stipulated sum, cost plus, unit price, line item, incentive/disincentive/ bonuses/ liquidated damages, scheduling, environmental, natural gas transmission interstate lines, compressor stations, conflicts, take-or-pay contracts, network transmission capacity analysis, concrete structures, developing contract documents, managing costs and contractors, payment approvals, estimating, coordination with quality control inspectors, investigating, negotiating, and processing construction claims. As consultant, modernized the State of Florida Fuel Factors Index, confidentiality/noncompetition/non solicitation bid review evaluations, cost estimate quality control reviews and analyzing construction cost trends.

2. CONTRACT DOCUMENTS - At least ten years of experience in the interpretation of Contract Documents. 45+ years:

Responsibilities at each of the companies listed in my resume work history required the **extensive interpretation of Contract Documents**. Moreover, serving as a consultant in disputes and as a mediator, arbitrator, and Dispute Board member has required same.

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3. CONTRACT DISPUTE RESOLUTION - At least ten years of experience in Contract dispute resolution and expertise in the area of administering alternative Contract resolution proceedings. 35+ years:

Has been a member in good standing on the American Arbitration Association's (AAA) ® Roster of Arbitrators and Mediators since 1990, actively **Arbitrating** private construction disputes **to final and binding resolution** either as the Chair or wing member.

Has **mediated** private construction disputes on and off since 1992 and was accepted into the Florida Supreme Court Certified Circuit Mediator panel in 2021.

Has been a Dispute Resolution Board Foundation (DRBF) member since 2002 with a focus on avoiding, preventing and the resolution of disputes in real time, sometimes requiring issuing **non-binding recommendations**. He currently serves on and has served on over one hundred fifty (150) **Dispute Resolution Boards (DRB)** as a Member and Chaired on about 75%.

Internationally, avoiding disputes and **writing and issuing binding conclusions** has presided on 3-person **Dispute Adjudication Boards (DAB)** for the construction of ten (10) schools and three (3) multi-mile river flood control projects to mitigate the effects of El Nino floodwaters cascading from the Andes mountains and on the 2018 Proyecto Especial para la Preparacion y Desarrollo de los XVIII Juegos Panamericanos del 2019, Villa de Atletas in Lima, (Peru 2018 Pan- American Games) including multiple sports venues across Lima, Peru plus seven (7) nineteen (19) story buildings for athletic housing. Notably this was the first Dispute Board in the country of Peru (2018-2025).

4. ADMINISTRATION AND PRACTICES WORKSHOP - Must have attended the Dispute Resolution Board Foundation's Administration and Practices Workshop:

Have **attended** the A/P workshop and have **co-taught** the workshop numerous times for the DRBF. Co-taught FDOT DRB **Update Class** for practioners in 2023.

5. FDOT WEBSITE - Must be on the Department's Lists of Candidate Members as provided on the Department's web site: See website -

<https://www.fdot.gov/construction/constadm/drb/drblast.shtm>

James T. Guyer

Resume

James T. Guyer is a graduate of Georgia Institute of Technology, Civil Engineering with a Master of Laws, focused on International Dispute Resolution from the University of London.

He has been an active member on Dispute Boards for over twenty (20) years and has been an active mediator and construction arbitrator for over thirty-five (35) years, having served on numerous and diverse arbitrations and domestic and international DBs both as the Chair/President or member.

He has been a member in good standing on the American Arbitration Association's (AAA) ® Roster of Arbitrators and Mediators since 1990, a Dispute Resolution Board Foundation member since 2002 with a focus on avoiding, preventing and the resolution of disputes in real time, a Fellow Member of Chartered Institute of Arbitrators (FCIArb) since 2013, a Florida licensed Professional Engineer and a Florida Supreme Court Certified Circuit Mediator since 2021.

James was recently added to the American Arbitration Association's (AAA) roster for Dispute Avoidance and Resolution Boards (DARB), a select panel of neutral construction professionals for service on domestic projects.

<https://www.adr.org/industries/construction/dispute-avoidance-and-resolution-boards/>

His experience includes, beginning as a teenager began as a construction worker backfilling storm pipe, holding stringline for lime-rock base, and leveling, tying rebar, forming and pouring concrete slabs, foundations, and walls.

His project-management work experience comprises forty (40) years of Construction and Engineering experience, about 85% of the experience in construction and 15% in engineering and design.

Managed the construction of roadways, bridges, piling, weigh-in-motion, natural gas pipelines and compressor stations take-or-pay contracts, marine structures, piling, buildings, civil projects, dredge cuts/fills, beach restoration, estimating, bidding, CPM schedule, surveys, maps, blueprints, bonds, surety, geological, soils analysis, environmental, plans/specs/masonry, stucco, painting, steel erection, concrete, rebar, asphalt, roofing, walls, plumbing, HVAC, security, site work, drainage, employment contracts.

Contracts Engineer, Right-of-Way acquisition, developing contract documents,

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investigating, negotiating, and processing construction claims, modernized the State of Florida Fuel Factors Index, confidentiality/noncompetition/non solicitation bid review evaluations, cost estimate quality control reviews, analyzing construction cost trends.

Litigation support, expert witness, claim consultation, consultation for litigation threshold assessments.

Arbitrator, Mediator (Florida Civil Circuit) Dispute Resolution Board Member, Dispute Adjudication Board Member Expert Determinations, Executive Appraisals, Neutral Listener, Neutral Advisor, and Expert Evaluation.

Has been a member in good standing on the American Arbitration Association's (AAA) ® Roster of Arbitrators and Mediators since 1990, actively **Arbitrating** private construction disputes **to final and binding resolution** either as the Chair or wing member.

Has **mediated** private construction disputes on and off since 1992 and was accepted into the Florida Supreme Court Certified Circuit Mediator panel in 2021.

Has been a Dispute Resolution Board Foundation (DRBF) member since 2002 with a focus on avoiding, preventing and the resolution of disputes in real time, sometimes requiring issuing **non-binding recommendations**. He currently serves on and has served on over one hundred fifty (150) **Dispute Resolution Boards (DRB)** as a Member and Chaired on about 75%.

Internationally, avoiding disputes and **writing and issuing binding conclusions** has presided on **Dispute Adjudication Boards (DAB)** for the construction of ten (10) schools and three (3) multi-mile river flood control projects to mitigate the effects of El Nino floodwaters cascading from the Andes mountains and on the 2018 Proyecto Especial para la Preparacion y Desarrollo de los XVIII Juegos Panamericanos del 2019, Villa de Atletas in Lima, (Peru 2018 Pan- American Games) including multiple sports venues across Lima, Peru plus seven (7) nineteen (19) story buildings for athletic housing. Notably this was the first Dispute Board in the country of Peru (2018-2025).

Current Employer – Title:

Resolve – Construction Dispute Resolution, Inc. - Principal

Profession:

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7.26: James Guyer, P.E., LL.M.

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Resume

Dispute Board Member, Arbitrator, Mediator, Consultant - Expert Determinations, Executive Appraisal, Neutral Listener, Neutral Advisor, And Expert Evaluation.

Work History:

Present - 2002: Resolve – Construction Dispute Resolution, Principal (Consulting Company);

2006 - 2015: Heavy Construction Estimating L.L.C., Managing Member (Consulting Company);

1989 - 2003: Talbot Guyer Company, Principal (Consulting Company)

1988 - 1989: Gahagan and Bryant Associates, Inc., Director of Quality Control (Consulting/Design Company).

1985 - 1988: Hendry Corporation, Director of Construction Division (General Contractor).

1980 - 1984: United Energy Resources, Construction Manager, Contracts Engineer and Design Engineer, (Corporation).

Experience:

CONSTRUCTION: Construction worker Florida. Managed the construction of roadways, bridges, natural gas pipelines and compressor stations, marine structures, piling, weigh-in-motion (WIM), take-or-pay contracts, civil projects, dredge cuts/fills, beach restoration, estimating, bidding, CPM schedule, surveys, maps, blueprints, bonds, surety, geological, soils analysis, environmental, plans/specs/masonry, stucco, painting, steel erection, concrete, rebar, asphalt, roofing, walls, plumbing, HVAC, security, site work, drainage, employment contracts.

Contracts Engineer, Right-of-Way acquisition, developing contract documents, investigating, negotiating and processing construction claims, modernized the State of Florida Fuel Factors Index, confidentiality/non-competition/non solicitation bid review evaluations, cost estimate quality control reviews, analyzing construction cost trends, litigation support, expert witness, claim consultation, consultation for litigation threshold assessments.

Heavy Civil energy project of writing or managing General contract, contract, general/supplemental conditions, fixed cost, stipulated sum, cost plus, unit price, line item, incentive/disincentive/ bonuses/ liquidated damages, scheduling, environmental, Natural gas transmission interstate lines, compressor stations, conflicts, take-or-pay contracts, network transmission capacity analysis.

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Expert Witness, Construction Claims Consultation, Litigation Support:

Primarily heavy civil construction, though not exclusively: Liquidated damages reimbursement, CPM scheduling delay analysis and concurrent delay, extended general and field conditions, wrongful termination, changed conditions, modified total cost claims, loss of productivity, inefficiencies, acceleration, unforeseen conditions, differing site conditions, inaccurate soil borings, contract language interpretation, extra work, alleged defective/incomplete construction, project access interference, maladministration, non-payment, lost revenue and lost profits, warranty issues, design errors, pre-judgment interest, conflicting contract language, cost to complete, sole-source spec issues.

Alternative Dispute Resolution:

Active arbitration chairperson and panelist since 1990, documents only, mediator, Dispute Resolution Board (DRB) member, umpire insurance disputes consultant and expert witness in numerous matters with public and private entities and individuals in cases. FDOT Region 1 DRB member and Chairman for “Ad-Hoc” as needed hearings; 2004-8, FDOT Regions 4, 6 & 7 DRB member for “Ad-Hoc” as needed hearings 2014-17, Region 2 2017 and Region 2 and 1 2019; Served on approximately one-hundred fifty Boards since 2002 and as Chairman on 70%. Fair, efficient, economical case management.

CONTRACTS: Joint Ventures, Corporations, Partnerships, LLC’s, General Contracts, Subcontracts, Public Private Partnerships (PPP/P3).

CONSTRUCTION: AIA agreements—owner/Architect/construction manager, Government/Private, General/Subcontract, general/supplemental conditions, fixed cost, stipulated sum, cost plus, unit price, line item, incentive/disincentive/ bonuses/ liquidated damages, Scheduling, CPM, delay, concurrent delay, extended general conditions, plans/specs/surveys, engineering, bonds, surety, professional liability, termination, abandonment, changed conditions, modified total cost claims, loss of productivity, inefficiencies, acceleration, unforeseen conditions, differing site conditions, contract language interpretation, extra work, defective/incomplete construction, project access, maladministration, non-payment, termination, lost revenue, warranty, design errors, pre-judgment interest, conflicting contract language, design-Build, fraud, license, statute of limitations, partnering. Bridges, drilled shafts, piling, drainage pipe, utilities, landfills, soils, borrow source, trucking, multi-story hotels, homes, office buildings, multistory condominiums, college buildings, window leaks, landfills, roadways, water damage, defects in labor/material, steel erection, caulking/stucco, roofs, hurricane damage, site work, shopping center, church, golf course, Information Technology Systems, and LEED projects.

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ENERGY: Negotiated resolution of general contract, contract, general/supplemental conditions, fixed cost, stipulated sum, cost plus, unit price, line item, incentive/disincentive/ bonuses/ liquidated damages, scheduling, natural gas transmission interstate lines, compressor stations, conflicts, take-or-pay contracts.

Professional:

Florida Licensed Professional Civil Engineer (0044690), 1991-Present.
Florida Civil Circuit Mediator (36313R), 2020 - Present.

Professional Associations:

Centro de Arbitraje - Roster of International Adjudicators of the National and International Arbitration Center of the Lima Chamber of Commerce for the period 2020-2021. American Arbitration Association (AAA) ®; Florida Dispute Resolution Board Foundation Member (FDRBF), Board of Directors, Florida Chapter 2014-19; FTBA 2019; Dispute Resolution Board Foundation (DRBF) Member, Public Private Partnerships Advisory Committee 2014-15; Fellow Member of Chartered Institute of Arbitrators (FCIArb).

Education:

Bachelor Civil Engineering, Georgia Institute of Technology, Atlanta, Georgia, 1980.

Master of Laws, focused in International Dispute Resolution, University of London, College of Queen Mary International Programs, 2017. International Courts and Tribunals; Regulation and Infrastructure of International Commercial Arbitration; Applicable Laws and Procedures in International Commercial Arbitration.

Publications and Speaking Engagements:

Speaking: Guest Lecturer at Stetson University Construction Law Class; Lecture 1: *‘Contemporaneous Documents significant to Construction cases, Arbitrations, and Dispute Review Boards’*; Lecture 2: *‘Similarities and Differences between various methods of Alternative Dispute Resolution (ADR) – Mediation v. Arbitration v. International Arbitration v. Dispute Review Boards and v. Dispute Adjudication Boards’*. Lecture 3: *‘Schedules, Unforeseen Conditions, and CPM Impact Analysis’*; Lima Peru teacher at Catolic University Center de Analisis y Resolucion de Conflictos speaking on topics of *Dispute Board Experience and Ethics*.

DRBF Training and Workshop Presenter for:

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2015 Best Practices for Working with Dispute Review Boards: course is developed to prepare project personnel for their participation with the DRB. Course content includes a presentation of the underlying principles, a review of general FDOT DRB procedures and best practices for working with DRBs. How to work with project DRBs, learn how to better present and communicate positions to DRBs, and how to avoid common mistakes in developing positions for DRBs more effectively. Content overlaps with arbitration presentations.

2015 & 2017 Administration and Practice training program designed to provide basic skills for people interested in or are serving on DRBs. Case study, lecture, demonstrations, exercises and the exchange of experiences and suggestions for the effective use of the DRB process. History and background of DRBs, role and authority, selection and compensation of members, ethics and conflicts of interest, administrative operation of the Dispute Review Board, contract language, administration and procedures, site visits, meeting procedures, informal processes, formal decision processes and deliberations and opinions.

2017 Best Practices for How to Present and Prepare Position Papers, focusing on how to successfully prepare and present position for a DRB hearing. Interactive team exercises and direct feedback for participants to develop the knowledge and skills to effectively represent their positions to the DRB.

Additional training sessions thru 2023 including FDOT DRB Update Class for practioners.

Publication: Manual 'Best Practices for Working with Disputes Resolution Boards for Dispute Avoidance, Prevention, and Resolution.' for FDRB and DRBF.

Alternative Dispute Resolution Training and Education:

AAA Arbitration: AAA 2016 Construction Conference: Ahead of Schedule and Under Budget, 2016; ADR and Emerging Technologies-The Future has arrived, Dec 2015; Construction Professionals Guide to Conducting an AAA® Arbitration, Aug 2013; Fundamentals of Effective Mediation Advocacy, 2011; Arbitrator Ethics & Disclosure, 2009; Pro Se: Managing Cases Involving Self-Represented Parties, 2008; Dealing With Delay Tactics in Arbitration, 2006; Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics, 2005; Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2004; Arbitrator II: Advanced Construction Case Manage Issues, 2001; Construction Arbitration; Training, 1998; Construction Arbitrator Training Workshop, 1996; Advanced Arbitration Training, 1991; Standard Arbitration Training, 1990; AAA continuing education 2017-2023;

AAA Mediation: Mediation training in accordance with the guidelines used by the State of

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Florida for the Circuit Civil Court Mediation Program, Forty-hour course, 1992 and 2017-18.

DRBF: Dispute Resolution Board Administrative Training Workshop, 1999; Dispute Resolution Board Chair Training Workshop, 2002.

FIDIC: The Practical Use of the 1999 Fédération Internationale Des Ingénieurs-Conseils (FIDIC) Conditions of Contract for Construction and the MDB's Harmonized Construction Contract. (FIDIC Module 1), April 2012; The Practical Management of Contract Claims and The Resolution of Disputes (FIDIC Module 2), May 2012; The Responsibilities and Duties of Dispute Adjudicators and Parties to Disputes (FIDIC Module 3), July 2012.