



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street MS # 31
Tallahassee, FL 32399-0450

DENVER J. STUTLER, JR.
SECRETARY

July 13, 2006


This Memo Has Expired

REVISED DCE MEMORANDUM NO.: 07-06

(FHWA Approved: July 11, 2006)

(Changed wording shown as underlined text)

TO: DISTRICT CONSTRUCTION ENGINEERS

FROM: Brian Blanchard, Director, Office of Construction 

COPIES: Bob Burleson (FTBA), Chris Richter (FHWA)

SUBJECT: REVISION OF SPECIFICATION 8-3.7.3e, DISPUTE REVIEW BOARD (DRB) MEMBERSHIP

This Office recently made revisions to the project DRB specification to correct conflicts between it and the Three Party Agreement (TPA). The revisions will be introduced in the next specification update but one of the revisions needs to be implemented as soon as possible by authority of this memorandum. Henceforth, specification 8-3.7.3e will read as follows and must be implemented immediately on new projects:

8-3.7.3e: Within the two year period immediately prior to award of the contract, employment by: the Central Office of the Department; the Department's District in which the project is located; the Contractor awarded the contract; the CEI consulting firm on the project; any subcontractor or supplier on the project; or any business of another Board member. Service as a Dispute Review Board Member shall not be construed to be employment.

The Category "e" relationship shown above is one of several categories listed in the specification that disqualifies a person from serving on a board. There are two changes to this specification: (1) former Department employees have been added to the list of prospective Board members covered by the provision and (2) prospective Board members that are covered by this provision **may not** serve where previously they could serve if approved by the Department and Contractor. The TPA has required disqualification of prospective members that are covered by this provision for some time, so the specification will now agree with the TPA. Former Department employees were added to the specification and TPA because they should be treated no differently than former Contractor or CEI employees.

If you have further questions, please contact Steve Plotkin at 850-414-4155 or suncom 994-4155.

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