



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JARED W. PERDUE, P.E.
SECRETARY

March 12, 2023

Jim DeSanto, PE,
Director, Office of Technical Services
Federal Highway Administration
3500 Financial Plaza, Suite 400
Tallahassee, Florida 32312

Re: State Specifications Office
Section: 008
Proposed Specification: **SP0080307DRB Prosecution and Progress – Prosecution of Work – Disputes Review Board.**

Dear Mr. DeSanto:

We are submitting, for your approval, two copies of the above referenced Special Provision.

The changes are proposed by Olivia Townsend to modify compensation amounts for DRB members.

Please review and transmit your comments, if any, within two weeks (10 business days). Comments should be sent via email daniel.strickland@dot.state.fl.us.

If you have any questions relating to this specification change, please call me at (850) 414-4130.

Sincerely,

Signature on file

Daniel Strickland, P.E.
State Specifications Engineer

DS/jb

Attachment

cc: Florida Transportation Builders' Assoc.
State Construction Engineer

PROSECUTION AND PROGRESS - PROSECUTION OF WORK - DISPUTES REVIEW BOARD.

(REV 3-1-24)

SUBARTICLE 8-3.7.11 is deleted and the following substituted:

8-3.7.11 Basis of Payment: A per day cost of ~~\$34,900~~ \$800 for the Contract has been established by the Department to reimburse the Contractor for providing compensation to the three members of the Disputes Review Board. This amount will be paid to the Contractor for each day the Board is convened for regular DRB project meetings. For each day of the meeting, the Contractor shall compensate each Board member a sum of ~~\$1,300~~ \$600. Such payment will be full compensation to the Board member for salary and all travel expenses (air fare, rental or personal automobile, motel room, meals, etc.) related to membership on the Board. Do not pay prior to the execution of the Three Party Agreement.

A per hearing cost of ~~\$911,050~~ for the Contract has been established by the Department for providing compensation for all members of the Dispute Review Board for participation in an actual hearing. The Board chairman will receive ~~\$34,500~~ for participation in the hearing while the remaining two members will receive ~~\$2,750~~ \$3,500 each. The Department and the Contractor will equally provide compensation to the Board for participation in an actual hearing. The Department will compensate the Contractor ~~\$45,750~~ as its contribution to the hearing cost. Such payment will be full and complete compensation to the Board members for all expenses related to the hearing. This includes travel, accommodations, meals, pre- and post-hearing work, review of position papers and any rebuttals, conducting the hearing, drafting and issuance of recommendations, readdressing any requests for clarification. It is not intended for hearings to last longer than a single day, however, in some cases they may. Any additional time and/or compensation for a hearing would only be allowed upon prior written approval of the Department and the Contractor. If an additional day(s) is granted for the hearing, it will be at ~~\$3,900~~ \$4,800 per day, regular meeting rate, payment of which is equally split between the Department and the Contractor.

The Department will prepare and mail minutes and progress reports, will provide administrative services, such as conference facilities and secretarial services, and will bear the cost of these services.

If the Board desires special services, such as legal consultation, accounting, data research, and the like, both parties must agree, and the costs will be shared by them as mutually agreed.

Payment shall be made under:

Item No. 999- 20- 1 Disputes Review Board meeting - per day.

Item No. 999- 20- 2 Disputes Review Board hearing - per each.

PROSECUTION AND PROGRESS - PROSECUTION OF WORK - DISPUTES REVIEW BOARD.

(REV 3-1-24)

SUBARTICLE 8-3.7.11 is deleted and the following substituted:

8-3.7.11 Basis of Payment: A per day cost of \$4,800 for the Contract has been established by the Department to reimburse the Contractor for providing compensation to the three members of the Disputes Review Board. This amount will be paid to the Contractor for each day the Board is convened for regular DRB project meetings. For each day of the meeting, the Contractor shall compensate each Board member a sum of \$1,600. Such payment will be full compensation to the Board member for salary and all travel expenses (air fare, rental or personal automobile, motel room, meals, etc.) related to membership on the Board. Do not pay prior to the execution of the Three Party Agreement.

A per hearing cost of \$11,500 for the Contract has been established by the Department for providing compensation for all members of the Dispute Review Board for participation in an actual hearing. The Board chairman will receive \$4,500 for participation in the hearing while the remaining two members will receive \$3,500 each. The Department and the Contractor will equally provide compensation to the Board for participation in an actual hearing. The Department will compensate the Contractor \$5,750 as its contribution to the hearing cost. Such payment will be full and complete compensation to the Board members for all expenses related to the hearing. This includes travel, accommodations, meals, pre- and post- hearing work, review of position papers and any rebuttals, conducting the hearing, drafting and issuance of recommendations, readdressing any requests for clarification. It is not intended for hearings to last longer than a single day, however, in some cases they may. Any additional time and/or compensation for a hearing would only be allowed upon prior written approval of the Department and the Contractor. If an additional day(s) is granted for the hearing, it will be at \$4,800 per day, regular meeting rate, payment of which is equally split between the Department and the Contractor.

The Department will prepare and mail minutes and progress reports, will provide administrative services, such as conference facilities and secretarial services, and will bear the cost of these services.

If the Board desires special services, such as legal consultation, accounting, data research, and the like, both parties must agree, and the costs will be shared by them as mutually agreed.

Payment shall be made under:

Item No. 999- 20- 1 Disputes Review Board meeting - per day.

Item No. 999- 20- 2 Disputes Review Board hearing - per each.