

Project Number: 24-0511

Date: 3/18/25

Cty/Rt/Sect: Cuy - 271-09.28

PE/PS: Alec Pack

Contractor: Shelly Co

Area Eng: E. Zippay

## Informal Partnering

**ODOT will embrace partnering with contractors to improve quality and to reduce disputes.**

Partnering is an agreement among the stakeholders involved in a construction project that outlines responsibility, lines of communication and a commitment to the shared expectation of success by all.

### Goals:

- Reduce the number of construction claims and the associated cost savings.
- Reduce the number and value of change orders.
- Increase value engineering savings.
- Complete projects on or before the contract completion date.
- Create a positive team culture in the development, construction, and administration of ODOT's construction program.

Partnering is the creation of a relationship between ODOT and the Contractor that promotes mutual and beneficial goals.

Partnering is a win-win approach based on trust, cooperation, and communication from the earliest stage of the project through completion. The purpose of the partnering agreement is to utilize a structured systematic methodology for developing a spirit of teamwork and cooperation through shared goals, open communication, problem identification and solving, formal conflict resolution, and the evaluation and feedback of team performance. Some benefits of partnering are a better-quality product, lower risk of cost overruns, increased time saving and reduced exposure to litigation on construction projects.

Partnering is required on all projects.

A. Establishment of an RFI (Request For Information) process

To whom an RFI must be addressed: Alec Pack

Acceptable format (letter, e-mail, Verbal): letter, email, Verbal

Standard response time: ✓

B. Review the Dispute Resolution Process as specified in 108.02. This establishes a means to handle issues and disputes in order to minimize delays and disruptions to the project and to protect the relationship of project personnel. This process starts at the original dispute level and proceeds up the ODOT and the Contractor organizational charts until the issue is resolved.

#### **Step 1 (On-Site Determination)**

The Engineer will meet with the Contractor's superintendent within two (2) working days of receipt of the Contractor Written Early Notice set forth in 108.02.F.2. They will jointly review all pertinent information and contract provisions and negotiate in an effort to reach a resolution. The Engineer will issue a written Step 1 decision within fourteen (14) calendar days of the meeting. If the dispute is not resolved, either abandon or escalate the dispute to Step 2

#### **Step 2 (District Dispute Resolution Committee)**

Each District will establish a District Dispute Resolution Committee (DDRC) which will be responsible for hearing and deciding disputes at the Step 2 level. The DDRC will consist of the District Deputy Director, District Construction Engineer and the Capital Program Administrator or designees (other than the project personnel involved in the dispute). Within seven (7) calendar days of receipt of the Step 1 decision, either abandon the dispute or submit a written request for a Step 2 meeting to the District Construction Engineer (DCE). The DCE will assign the dispute a dispute number. Within fourteen (14) calendar days of submitting the request for a Step 2 meeting, submit the Dispute Documentation.

Within fourteen (14) calendar days of receipt of the Contractor's Dispute Documentation, the Engineer will provide the Contractor with all documentation it intends to rely on at the DDRC meeting to rebut the Contractor's dispute.

After allowing at least fourteen (14) calendar days for the Contractor to review the Engineer's Dispute Documentation, the DDRC will conduct the Step 2 meeting with Contractor personnel who are authorized to resolve the dispute. The DDRC will issue a written Step 2 decision to the Contractor and the Dispute Resolution Coordinator within fourteen (14) calendar days of the meeting. If the dispute is not resolved, either abandon or escalate the dispute to Step 3.

#### **Step 3 (Director's Claims Board Hearing or Alternative Dispute Resolution)**

Submit a written Notice of Intent to File a Claim to the Dispute Resolution Coordinator in the Division of Construction Management within fourteen (14) calendar days of receipt of the Step 2 decision. The dispute becomes a claim when the Dispute Resolution Coordinator receives the Notice of Intent to File a Claim. Include the Contractor's request for either: 1) a Director's Claim Board hearing on the claim or 2) Alternative Dispute Resolution (ADR).

The Director's Claims Board (the "Board") will consist of the Deputy Director of the Division of Construction Management, Deputy Director of Engineering and a District Capital Program Administrator from a district not involved in the claim, or their designees.

A representative from the Division of Chief Legal Counsel and Division of Opportunity, Diversity, and Inclusion may be present to observe the hearing. The Director or designee will be responsible for deciding claims.

1. If the time frames given in the Process Steps as specified in 108.02 are not realistic for the project the DCE and Contractor shall agree upon new time frame to resolve issues at each step.

Standard time acceptable?  YES  NO

New time frames proposed today? YES  NO

#### STEP 1 (Project Level)

As is - two (2) days      Proposed time (      ) working days.

#### STEP 2 (District Dispute Resolution Committee)

As is - ten (7) days      Proposed time (      ) working days.

#### STEP 3 (Director's Claim Board)

As is - twenty (14) days      Proposed time (      ) working days.

New time frame to be established by (date): \_\_\_\_\_

2. Within ODOT the District Deputy Director must empower the District staff to quickly resolve issues in Steps 1 or 2 of the Dispute Resolution Process.
3. Contractor Dispute Resolution teams may include subcontractor personnel.
4. Review the chains of commands of the Department and Contractor and obtain agreement of both parties to respect them. Identify the point of contact (POC).

#### CHAIN OF COMMAND

ODOT: Alec Paul

EPA Z. Tamm

Contractor: Ross Mayer

Alex Gaul

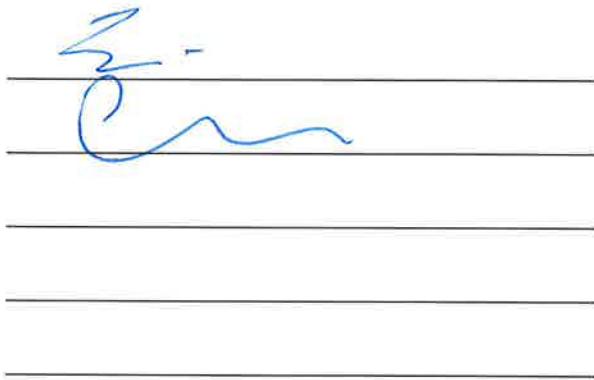
5. Obtain understanding and agreement that ignoring an issue or making no decision is not acceptable.
6. Obtain understanding that individuals are not expected to make a decision with which they are uncomfortable, but should escalate upward in the dispute resolution process.

C. The District promotes the Finalize-As-You-Go process. The PE/PS and Contractor shall agree on quantities as soon as materials are approved and the work is completed and accepted. The PE/PS is expected to finalize references and balance out pay items on a regular basis throughout the duration of the project.

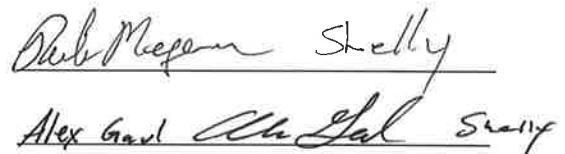
D. All agreements made will be documented and placed in the project file with a copy provided to the Contractor.

Signatures:

ODOT:



Contractor:



c: Contractor  
Project  
File

Goals : - Safety

- Completion on-time / ahead of schedule
- Highly Visible PROTECT