

Rock Products Committee

Dispute Resolution Assistance

When there is a dispute, the RPC members involved will first try to achieve a resolution at the lowest level where consensus is acceptable to all parties.

Sub Task Group Level I

When a dispute continues for some period of time without any movement towards a resolution the Sub Task Group Co-Chairs may choose to request the assistance of technical advisor(s) who are subject matter experts (SME). The informal Dispute Resolution Assistance could be provided by technical advisor(s) from Caltrans, Industry, Federal Highways Administration, academia or other State Departments of Transportation.

The Sub Task Group Co-Chairs should invite the technical advisor(s) to attend a Sub Task Group Meeting if practical. The Sub Task Group Co-Chairs may provide the technical advisor(s) a short written summary of the unresolved technical issue(s) prior to the meeting. At the Sub Task Group meeting, the Sub Task Group members present the issue(s) and each party presents its position, provides relevant documents, and responds to the technical advisors questions.

Recommendations of the technical advisory, while non-binding, should receive significant consideration in future Sub Task Group discussions related to resolving the issue(s) under discussion. It may take more than one Sub Task Group meeting working with the technical advisor(s) to clearly decide if the issue(s) has been clearly defined, and all potential solutions have been discussed and evaluated.

Task Groups Level II

The Task Group Co-Chairs may choose an to use a Dispute Resolution Advisor (DRA) to assist in timely resolution of complex technical disputes that arise out of RPC Sub Task Groups. The DRA could be from Caltrans, Industry, and other State Departments of Transportation, Federal Highways administration, or academia. The following is provided to ensure documentation of the disputed issue, of each party's position and the recommendations of the DRA.

DRA Selection

If the Task Group Co-Chairs cannot agree to a DRA, for the disputed issue before them, Caltrans and Industry must select the DRA using the following procedure:

1. Caltrans and Industry each nominates 2 DRA member candidates. Each candidate must be must:
 - 1.1. Be knowledgeable in the type of construction, materials, test methods and contract documents concerning the disputed issue.
 - 1.2. Have no prior direct involvement in the dispute.
 - 1.3. Have no financial interest concerning the outcome of the dispute.
2. Caltrans and Industry must request a disclosure statement from each nominated DRA candidate and must furnish the 2 statements to the other party. Each statement must include:
 - 2.1. Resume of the candidate's experience

- 2.2. Declaration statement that describes past, present, anticipated, and planned professional or personal relationships with each of the parties involved in the dispute.
3. Caltrans and Industry must select 1 of the 4 candidates to be the DRA. If Caltrans and Industry cannot agree on 1 candidate, each must select 1 of the 2 nominated by the other and the DRA is decided between the 2 candidates by a coin toss.

DRA Dispute Meeting

At least 10 days before the scheduled dispute meeting, each party must furnish the DRA documentation that supports its position and any additional information requested by the DRA.

Only Caltrans's Sub Task Group Co-Chair(s) and Industry Sub Task Group Co-Chair(s) may present information at a dispute meeting unless Caltrans and Industry otherwise agree.

During a dispute meeting, each party presents its position, makes rebuttals, provides relevant documents, and responds to DRA questions and requests.

If either party fails to attend a dispute meeting, all documents submitted by the non-attending party is considered as the non-attending party's entire argument.

If the DRA requests additional information within 5 days after the dispute meeting, the party receiving the request must furnish this information within 5 days of receiving the request.

The DRA provides a written recommendation report within 10 days of the dispute meeting unless Caltrans and Industry agree to allow more time.

Recommendations from the DRA are nonbinding.