

**FOUNDERS OF THE  
DISPUTE REVIEW  
BOARD FOUNDATION**

R. M. Matyas  
A.A. Mathews  
R.J. Smith  
P.E. Sperry

**CHARTER MEMBERS  
OF THE DRB  
FOUNDATION**

Jack Alkire, Esq.  
Romano Allione  
Rodney D. Aschenbrenner  
Balfour Beatty Construction, Inc.  
S.H. Bartholomew, Inc.  
John Beyer  
Roger Brown  
William C. Charvat AIA  
Frank Coluccio Construction Co.  
Dillingham Construction, Inc.  
Raymond J. Dodson, Inc.  
James P. Donaldson  
Peter M. Douglass, Inc.  
Paul Eller & Associates  
Frontier-Kemper Constructors, Inc.  
Steven M. Goldblatt  
Granite Construction, Inc.  
Guy F. Atkinson Co. of California  
Greg M. Harris, Esq.  
Paul R. Heather  
Impregilo SPA  
Gordon L. Jaynes, Esq.  
Al Johnson Construction Co.  
Keating Associates  
Thomas R. Kuesel  
Kerry C. Lawrence  
Kellogg, LLC  
Kiewit Construction Group Inc.  
Lemley & Associates, Inc.  
Al Mathews Corporation  
McNally Tunneling Corporation  
Mechanical Contractors Association  
of Western Washington  
Meyer Construction Consulting  
Mole Constructors, Inc.  
Nadel Associates  
Stephen J. Navin  
John W. Nichols, P.E.  
Parsons Brinckerhoff Quade &  
Douglas, Inc.  
Pease & Sons  
Edward W. Peterson  
H. Ray Poulsen Jr.  
Quadrant II Inc.  
John Reilly Associates  
Aurthur B. Rounds  
Seifer Yeats & Mills L.L.P.  
Shannon & Wilson, Inc.  
J.F. Shea Co., Inc.  
Patrick A. Sullivan, Esq.  
Traylor Brothers, Inc.  
Underground Technology Research  
Council  
Watt, Tieder & Hoffer, L.L.P.  
James L. Wilton  
Woodward-Clyde Consultants  
Ed Zublin AG

# Revisiting the Central Artery/ Tunnel Project's Implementa- tion of the "Consolidated" DRB Process

By:  
**Susan Tomlinson-Dykens, CA/T  
Partnering Director and DRB  
Administrator**

(Updated from Brison Shipley's article in  
the Foundation Forum, Vol. 2, Issue 1,  
January 1998)

As October 2000 comes to a close, the \$14 billion Central Artery/Tunnel Project is 66% complete. The time frame for Project completion is still December 2004 with major milestone completions and road openings along the way. There are currently 26 active dispute review boards, 7 inactive boards on stand-by, 10 decommissioned boards, and 4 future boards to be formed once the remaining major construction contracts are awarded.

Cost and schedule control are more challenging than ever as the Project's budget is capped and the completion date nears. As always, the relationships with the contractors are a key element in meeting these challenges successfully. The owner, (Massachusetts Turnpike Authority) remains committed to avoiding litigation through the aggressive use of ADR mechanisms: focusing primarily upon partnering and Dispute Review Boards. Although partnering is used on all construction contracts, the use of DRBs is limited to "major" construction contracts. "Major" construction contracts are now defined as those exceeding \$10 million in cost and greater than one year in duration. As a result, DRBs will be used on 47 construction contracts over the life of the Project. As originally conceived, the DRB program would have lead to the creation of 47 DRBs with 141 individual

DRB members. The original estimates of the Project's costs for the implementation of the DRB program were close to \$4.2 million.

In the summer of 1997, with just over 30% of construction completed, and with 16 contracts with active DRBs and another 12 awarded contracts awaiting DRB member selection and formation, the Project re-examined the concept of one DRB per construction package. A Contract Efficiency Task Force was organized with a subcommittee on Alternative Dispute Resolution. Utilizing the tenets of partnering, the Task Force was made up of the Owner, the Construction Manager, and the community of general contractors on the CA/T Project. The mission of the Task Force was to examine the DRB process and develop the concept of "consolidating" DRBs, that is, having a single DRB preside over more than one construction contract.

After reviewing various alternative schemes for combining the DRBs, the "consolidation" of DRBs based on a "per contractor" basis was finally agreed upon. The new Consolidated DRB Program would allow the Owner and Contractor to have the option, on a newly awarded construction contract, of using the same DRB that was in place on another job of that same Contractor - provided the DRB's members were willing to serve in this expanded capacity. If this option was not exercised, then DRB member selection would proceed in the usual, contractually defined, fashion. The Consolidated DRB Program, being voluntary, maintains the ability of both the Owner and the Contractor to take ownership of the DRB process by controlling the make up of the Board. The joint participation of the

(Continued on page 14)



*(Continued from page 5)*

Owner and Contractor in the selection of the DRB members is crucial to establishing the credibility of the DRB.

This "consolidated" concept was approved and implemented in November, 1997. The results have been positive among all participants in the DRB process: Project Management, Contractors, and DRB members. Currently 7 "consolidated" DRBs are now overseeing 17 active construction contracts. (There are also 9 active, stand alone, DRBs being implemented.) The DRBs meet quarterly in Boston for 2 to 3 days, as necessary, to be briefed by the Owner's Resident Engineer and the Contractor's Project Manager on the status of the Work and then taken on a site walk, on each of the construction contracts overseen by that DRB.

As a result of the consolidation, both the Owner and the Contractor realize a savings in cost and administrative efforts. The total projected number of "consolidated" DRBs for the life of the Project is 8, with 17 stand alone Boards. The projected number of total DRB members is 80. The cost savings are realized through the reduced number of airfare reimbursements and travel time as well as an efficiency of time for quarterly meetings. Since the implementation of the consolidated DRB Program in 1997 through Project completion, an estimated savings of \$1.5 million may be realized for the DRB program.

The consolidated DRB Program has also resulted in having a single DRB have a better understanding of the physical and scheduling interfaces among the different construction contracts. Since many contracts have similar basic work scopes they also generate similar disputed situations that may result in Project-wide issues. Having a single Board oversee a number of construction contracts has created a great efficiency in time and process for resolving these general issues.

Through the use of the Consolidated DRB Program the Project has reduced the number of Board members needed by 40%, saving the Project approximately

*(Continued on page 15)*

*(Continued from page 14)*

36% of the DRB Program's original budget. In these fiscally tight times, this alone is a great benefit. However, the Consolidated DRB Program has also realized for the Project, an efficiency of time and dissemination of knowledge thus creating a more effective DRB Program while maintaining the integrity of the DRB concept and credibility of its members. □