

AAA[®] Dispute Resolution Board Operating Procedures



AMERICAN ARBITRATION ASSOCIATION[®]

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AAA Dispute Resolution Board Operating Procedures



1.0 Defined Terms

For the purposes of these Rules of Operation, terms not otherwise defined herein shall have the same meanings as assigned to them in the (contract name) Contract, (Contract #), unless the context clearly requires otherwise.

2.0 General

Pursuant to the Contract, the Dispute Resolution Board (DRB) will have the authority to implement these Operating Procedures or formulate new or revised Procedures consistent with the Contract.

The Board will operate in an informal and flexible manner, while attempting to ensure that the parties always understand the procedures the Board will follow. The Board encourages the Parties to evaluate and recommend changes in the Board operating procedures and guidelines to improve the process.

There shall be no *ex parte* communication, advice or other consultation between any Board member and any Party to the contract including subcontractors and suppliers on any matter or issue that is pending or may become before the Board.

3.0 Role of Chair

The Chair will be responsible for overseeing and keeping records of the DRB activities under the Operating Procedures. The Chair will prepare meeting agenda in consultation with the Owner and Contractor. The Chair will prepare meeting minutes.

4.0 Periodic Progress Reports

Within sixty (60) days after it is established, the Dispute Resolution Board (DRB), in consultation with the Owner and the Contractor, will establish a procedure to provide the DRB with Monthly Progress Reports under the Contract. The DRB

members will use these reports to keep informed of construction developments and the progress of the work.

5.0 Scheduling of Site Visits

Site visits to review the progress of the work will be made at least every three (3) months or as agreed upon by the Owner, Contractor and the Board. The DRB may, in consultation with the Owner and the Contractor, schedule other visits to the site of the work that is the subject of a Dispute.

At least thirty (30) days prior to a proposed Site visit, the AAA® will contact the Owner and Contractor to make scheduling and logistical arrangements for the Site visit. The date, time, and location(s) to be visited will be confirmed in writing to the Owner and the Contractor at least ten (10) days prior to the Site visit.

6.0 Site Visits

During a site visit, the Chairperson and Members will be accompanied at all times by authorized representatives of the Owner and Contractor. The Contractor and the Owner may designate other persons to attend the site visits, as necessary or appropriate to assist the DRB.

7.0 Site Visit Agenda

Each site visit will begin with an informal roundtable discussion and be followed by a field inspection of the Contract work. The agenda for the roundtable discussion shall generally include the following:

- a. Meeting convened by the Chairman of the Dispute Resolution Board;
- b. Review of last meeting minutes and any necessary revisions to those minutes;
- c. Contractor discussion items:
 1. Work accomplished since the last meeting;
 2. Current status of the work schedule and schedule for future work;
 3. Anticipated or potential problems and proposed solutions;
 4. Status of current and potential disputes, claims and other controversies.
- d. Owner discussion items:
 1. The work schedule;
 2. Perspectives on potential disputes, claims and other controversies;
 3. Status of past disputes, claims and other controversies.

- e. Such other items as the parties may wish to discuss with the Board;
- f. Set tentative date for next meeting(s).

8.0 Distribution of Site Meeting Minutes

Within two weeks after the Site visit, the AAA will distribute minutes of the Site visit meeting to the Contractor and the Owner.

9.0 DRB Hearing Rules and Procedures

DRB hearings will be conducted in accordance with the Disputes Resolution Board Hearing Rules and Procedures, Specification Schedule B.

