

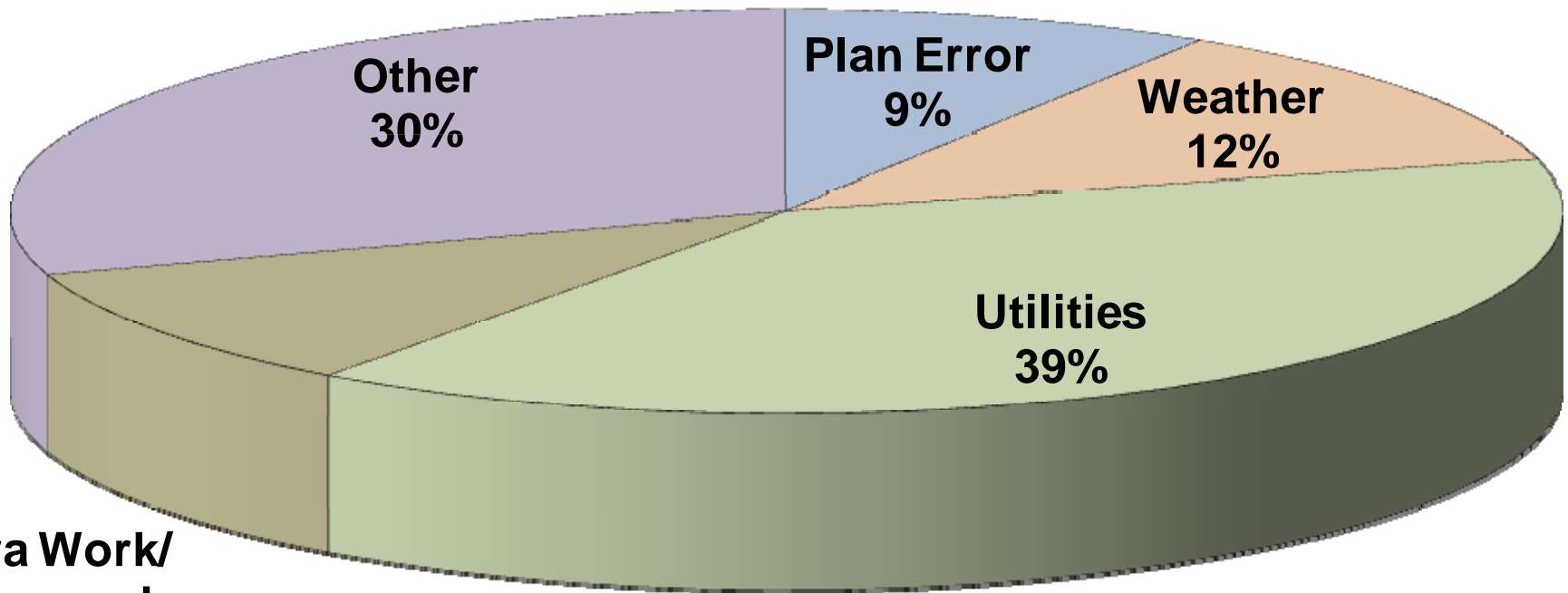
# Senate Bill 19



## Mediation Rule

**GDOT Board  
Program Delivery Committee  
October 18, 2007**

# FY 2007 Construction Time Extensions

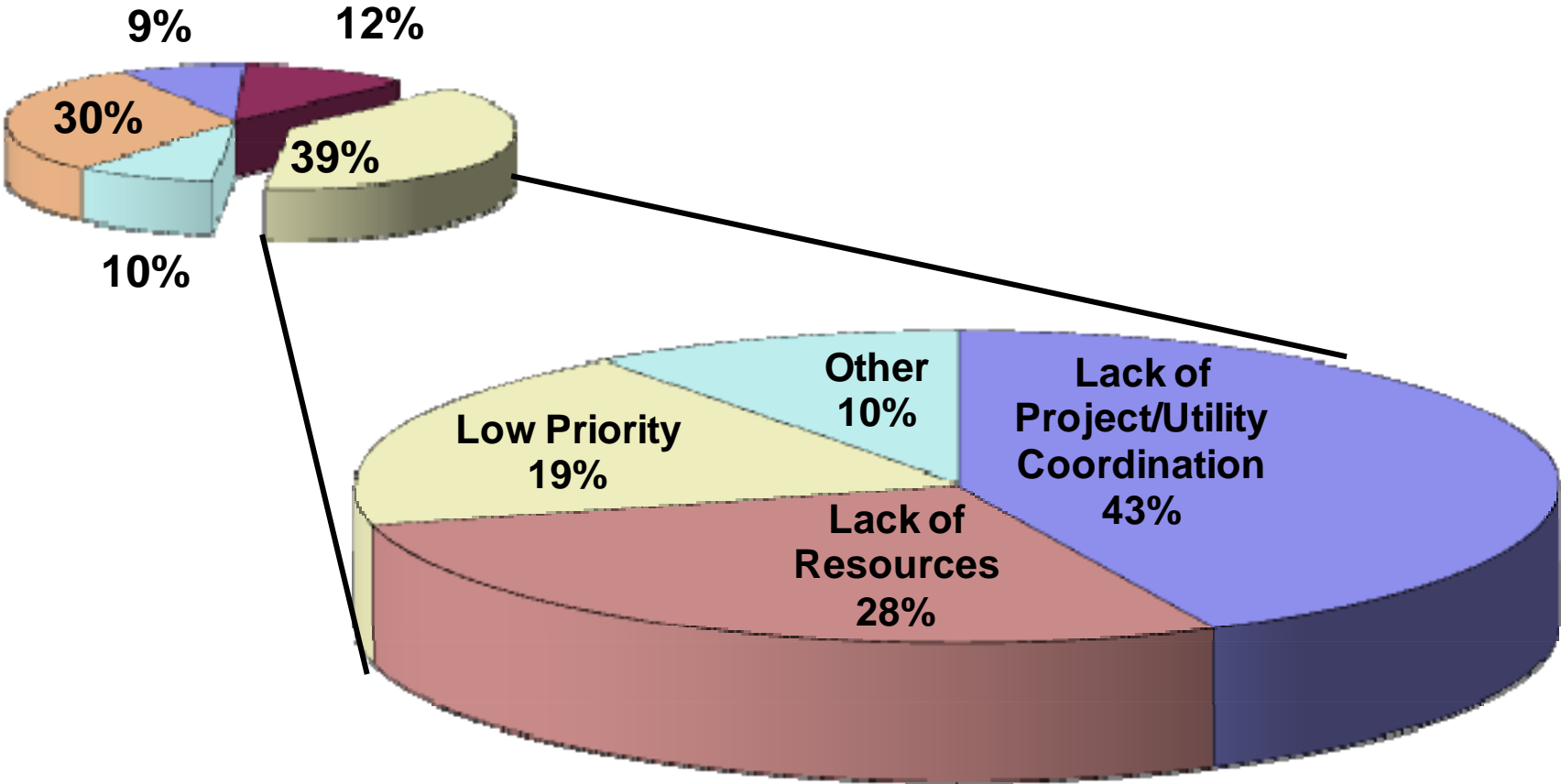


**Extra Work/  
Increased  
Quantities  
10%**

# RECENT EXAMPLES OF PROJECTS DELAYED

- **US-441 Dublin: 206 days - \$1.18 million**
- **SR-92 Douglas Co: 334 days - \$1.92 million**
- **SR-166 Douglas Co: 309 days - \$ 113 thousand**
- **Mercer Univ. Bibb Co: 577 days - \$3.78 million**
- **Fury's Ferry Road: 457 days**
  - (Augusta)

# Utility Time Extensions - Detail



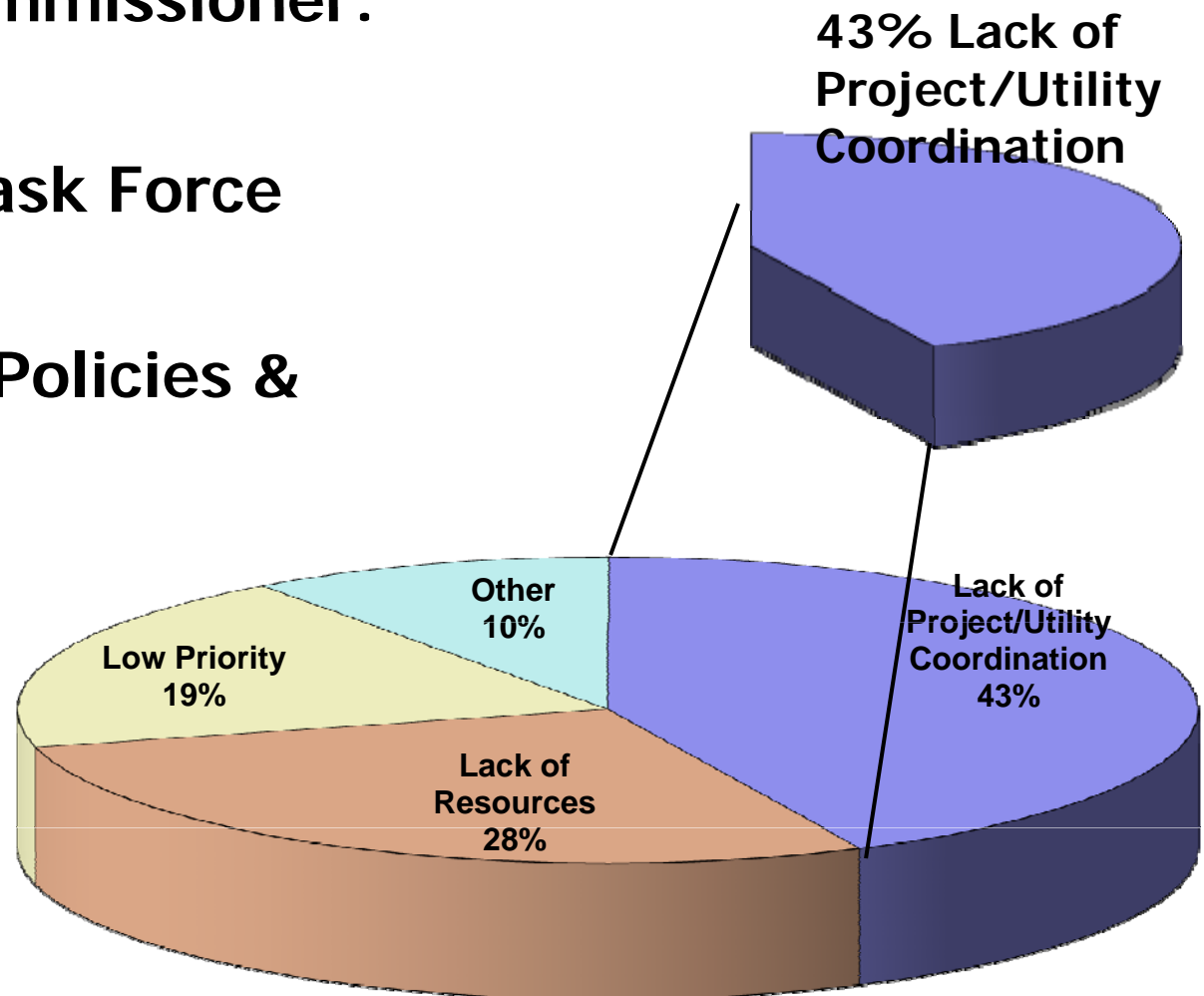
# Utility Mitigation Efforts

- **GDOT Board & Commissioner:**

- Initiated Utility Task Force**

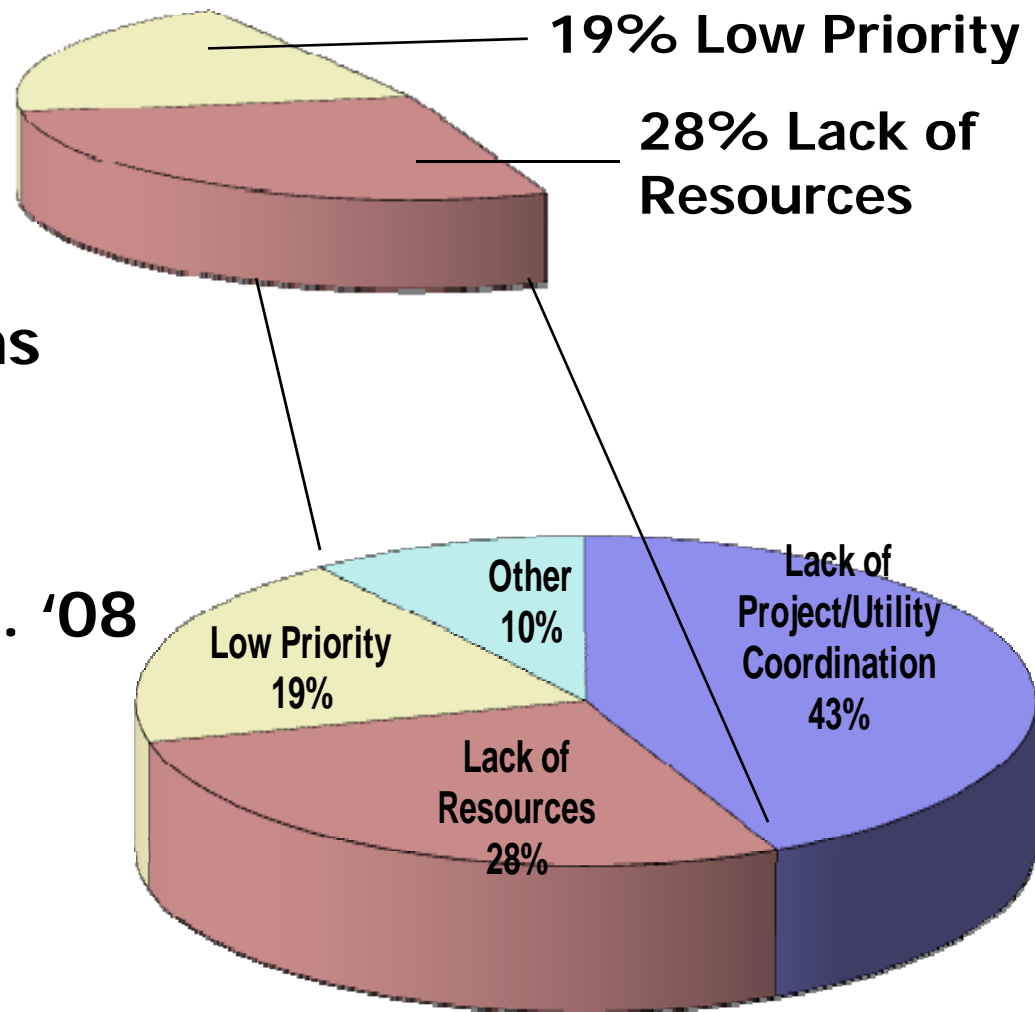
- **August 2005**

- **Internal/GDOT Policies & Procedures**



# Utility Mitigation Efforts

- **Senate Bill 19**
  - ▣ **Accountability**
  - ▣ **(PIF) Contract Items**
    - **\$\$ - GDOT fund**
  - ▣ **PDP Deadlines**
  - ▣ **Mediation Rule/Jan. '08**



# PROPOSED MEDIATION RULE



- **Legislative Intent**
- **Applicability**
- **Time Period**
- **Escalation Process**
- **Mediation Board & Procedures**
- **Costs**
- **Decisions / Mediation Period**

# OVERVIEW OF MEDIATION RULE & PROCESS



## ▣ LEGISLATIVE INTENT

- Mediation less expensive than Litigation

# OVERVIEW OF MEDIATION RULE & PROCESS



## ▣ **APPLICABILITY**

- **Three (3) Types of Disputes**
  - **WORK PLAN**
  - **REVISED WORK PLAN**
  - **ANY OTHER MATTER**

# OVERVIEW OF MEDIATION RULE & PROCESS



- ▣ **TIME PERIOD FOR APPLICABILITY**
  - **May 2008 Letting**

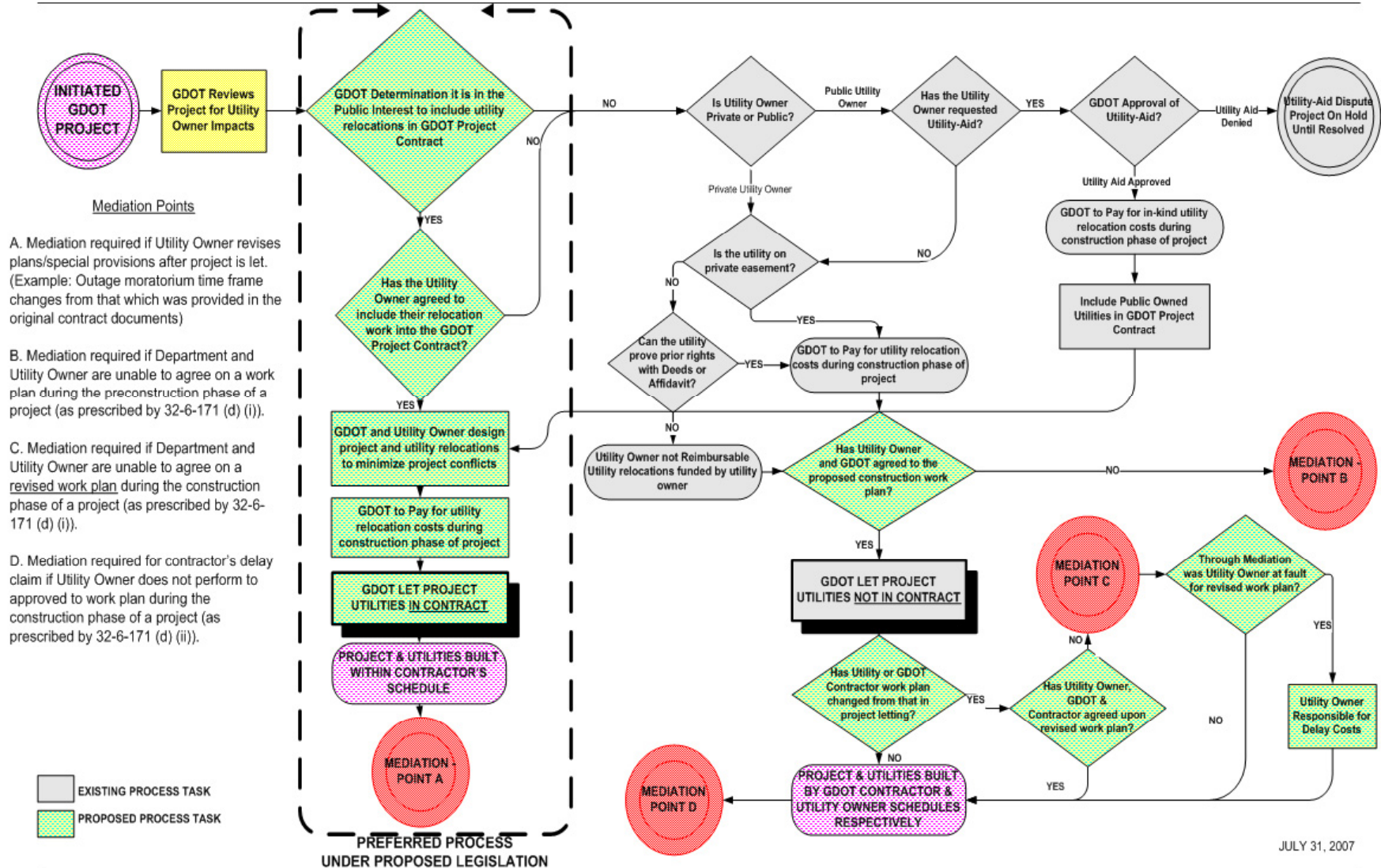
# OVERVIEW OF MEDIATION RULE & PROCESS



## ▣ ESCALATION PROCESS

- Notice of Potential Dispute to Utility
- Structured Negotiation Process
  - (Formalizing Communication)
- Prerequisite to the Mediation Board

# GDOT Project Development Utility Relocation Funding & Mediation Process



# OVERVIEW OF MEDIATION RULE & PROCESS



## ■ **MEDIATION BOARD & PROCEDURES**

- **3 Member Board**
- **Qualified by State Office of Dispute Resolution**
- **Written Petition for Mediation**
- **Board established w/in 30 days**
- **Hearing held w/in 60 days**
- **No Direct Relationship (contractually or employed) w/in previous 6 months**

# OVERVIEW OF MEDIATION RULE & PROCESS



## ▣ COSTS

- Utility & GDOT – Pay for Member Selected
- Utility & GDOT – Equally pay for 3<sup>rd</sup> Member
- Party Acts in Bad Faith
  - May be responsible for All costs

# OVERVIEW OF MEDIATION RULE & PROCESS



- ▣ **DECISIONS / MEDIATION PERIOD**
  - **Majority Vote – No Ties**
  - **Public Document**
  - **Subject to Judicial Review (Superior Court)**
  - **An Agreement is reached or 60 days**
    - **Can extend if mutually agreed by the parties**

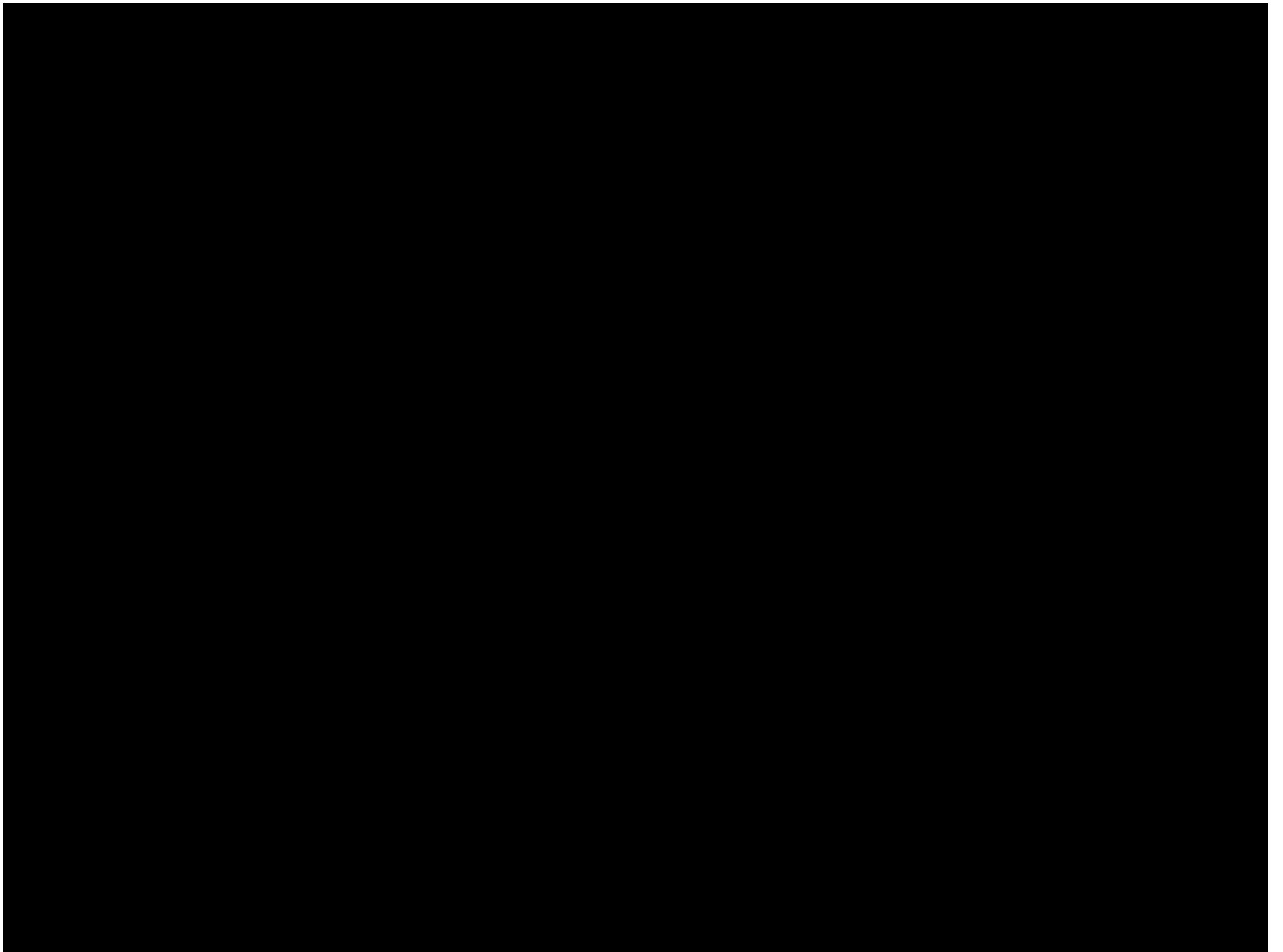
# Resources



- **Office of Utilities**
- **Office of Construction**
- **Office of Construction Claims**
- **Legal Services**
- **District Offices**

# Questions?





# CWP vs. Utility Delays

