

**DISPUTE RESOLUTION  
COMMITTEE**

**DEPARTMENT OF MUNICIPAL AFFAIRS**

**CONSULTING ENGINEERS OF NEWFOUNDLAND AND LABRADOR**

**NEWFOUNDLAND AND LABRADOR ROAD BUILDERS/HEAVY  
CIVIL ASSOCIATION**

**OBJECTIVES:**

- To avoid unnecessary confrontation and minimize legal/judicial proceedings.
- To promote co-operation and teamwork amongst project participants.
- To facilitate the completion of projects on time and within budget.
- To provide a format to judge disputes in a professional manner based on the specifications provided.
- To settle disputes based on peer judgement.
- To settle disputes in a timely manner.

## **COMMITTEE STRUCTURE:**

Chairperson (1) :

- Appointed by the Department of Municipal Affairs.

### *DUTIES:*

1. To chair all meetings.
2. To review all submissions for consideration and to reject those that fall beyond the scope of the Dispute Resolution Committee.
3. To prepare written decisions in conjunction with other members.
4. To ensure all decisions are sent to all parties concerned.
5. To ensure that all parties involved in the dispute receive the information submitted pertaining to their particular dispute.
6. To assist in the appointment of an alternate in conjunction with the Department of Municipal and Provincial Affairs where there exists a geographical, business or personal conflict.
7. To render a decision on the dispute in the event that a consensus cannot be reached by the Committee members.

## **CONSULTANT REPRESENTATIVES (2):**

- Appointed by the Consulting Engineers of Newfoundland and Labrador (CENL).

### *DUTIES:*

1. To attend a meeting.
2. To register a vote on the dispute presented.
3. To assist chairperson with written decision in conjunction with other members.
4. To assist in the appointment of alternates in conjunction with CENL where there exists a geographical, business or personal conflict.

**CONTRACTOR REPRESENTATIVE (2):**

- Appointed by the Newfoundland and Labrador Road Builders/Heavy Civil Association (NLRB/HCA)

*DUTIES:*

1. To attend a meeting.
2. To register a vote on the dispute presented.
3. To assist chairperson with written decision in conjunction with other members.
4. To assist in the appointment of alternates in conjunction with the consulting NLRB/HCA where there exists a geographical, business or personal conflict.

## **MEETINGS SECRETARY (1):**

- Appointed by the Department of Municipal Affairs.
  
- In all cases the secretary will be the Regional Engineer of the Department of Municipal Affairs for the area where the meetings take place or as appointed by the Chairman. The secretary does not have a vote but is permitted to take part in all discussions.

### *DUTIES:*

1. To record minutes of a meeting and decisions reached.
2. To notify all parties involved.
3. To assist chairperson and members of the Committee in compiling the written decision.

## **SUBMISSIONS:**

1. (a) All Submissions by the contractors must be sent through the NLRB/HCA:  
Ms Lorraine Richards  
Manager  
Newfoundland and Labrador Road Builders/Heavy Civil Association  
P. O. Box 23038  
St. John's, NF A1B 4J9
  - (b) All Submissions by the consultants must be sent through the CENL:  
  
Mr. Jamie Powell, P.Eng.  
President  
Consulting Engineers of Newfoundland and Labrador  
P. O. Box 1236  
St. John's, NF A1C 5M9
  - (c) A fee of \$2,000 must accompany the submission to either NLRB/HCA or CENL to be held in trust subject to the Dispute Resolution Committee meeting. This fee is to be divided equally with \$500.00 to be paid to each of the dispute board members from CENL and NLRB/HCA.
  - (d) The Resolution of the dispute will determine the actual payment of the \$2,000. The losing party will be responsible. If the dispute is resolved on a partial basis, then the Committee will prorate the costs as part of its determination.
2. All Submissions must be in writing and contain 7 copies. Once it has been determined by the Chairman that the dispute is valid and can be accepted, the appropriate parties will appoint their representatives and provide a copy of the submission. The submission must give the arguments in detail and provide all necessary back up documentation to support the claim.
  3. A valid dispute involves the interpretation of the documents but does not involve a legal matter, i.e. not having given notice of claim within the time specified is a legal matter, whereas unsuitable soil conditions would probably be a "dispute resolution" matter.
  4. The 7<sup>th</sup> copy will be provided to the consultant or contractor for a written response to the Chairman within 21 days. This response must also have 7 copies.
  5. The Secretary will be responsible for distribution of this response document to all parties and the calling of a meeting within 21 days of receipt of the documents.
  6. Once the meeting date has been set, no further documentation or changes will be accepted.
  7. At the meeting the parties affected will be given an opportunity to provide an oral

presentation of not more than 45 minutes and will be asked to answer any questions posed by the Dispute Resolution Committee. The oral presentation is to supplement the written submission. Neither party is permitted to present new information.

8. It is proposed that only parties affected by the decision can attend to present their case and witness the proceeding. This must be in a time frame that is agreeable to the Committee. It is intended that this Committee meet without the presence of legal advisors or outside "experts". The Committee reserves the right to interview specialists if requested by one of the parties and if it is decided by the Committee to be necessary to make an informed decision.
9. Where possible decisions will normally be made at the proceedings by a majority vote of the Committee in the presence of the parties in dispute. The Committee reserves the right to defer the decision and discuss the matter in private.
10. It is anticipated that the Committee decision will be made within one week of the date of the meeting or as soon as possible thereafter if unforeseen circumstances do not permit this.
11. All decisions will be arrived at by consensus. In the event a consensus cannot be reached, the Chairman shall have the responsibility to make a decision.



**DECISIONS:**

1. Any or all decisions would be non-binding.
2. A decision will be considered final when a majority of the Board agrees as to its outcome.
3. The decisions or outcomes of Dispute Resolution will be provided to NLRB/HCA and CENL for distribution as they deem appropriate.