

Colorado Department of Transportation  
**Dispute Review Board (DRB) Candidate Solicitation**

This form is to be filled out electronically. Type your answers in the grey areas in the space allowed by the boxes. You can use the Tab key to go from one field to the next. When you have completed this form, save it to your computer, then attach your form in an email to [Dennis.Largent@dot.state.co.us](mailto:Dennis.Largent@dot.state.co.us) with the Subject line as "(Your name)'s DRB-CS Form". Do not include any other attachments to this form.

**1. Candidate Information**

Name: <b>Philip Fagone</b>	Employer: <b>Law Offices of Philip Fagone</b>		
Address: <b>2814 Alhambra Drive</b>	City: <b>Belmont</b>	State: <b>CA</b>	Zip Code <b>94002-1352</b>
Phone Number: <b>650-654-0574</b>	Email Address (required): <b>philip.fagone@alum.wpi.edu</b>		

**2. Education**

University/College	Degree	Year Graduated
<b>1. Golden Gate University School of Law</b>	<b>Doctor of Jurisprudence</b>	<b>1994</b>
<b>2. Suffolk University School of Management</b>	<b>Master in Business Administration</b>	<b>1980</b>
<b>3. Worcester Polytechnic Institute</b>	<b>Bachelor of Science in Civil Engineering</b>	<b>1974</b>

**3. Professional Licenses/Certifications and Professional Organizations**

<b>1. Admitted to Practice Law in California, and member of the State Bar (1994- present)</b>	<b>2. Class B, General Contractor License by Contractor's State License Board in California, - currently Inactive</b>
<b>3. Chair, Alternate Dispute Section of the San Mateo County Bar Association (2003-present)</b>	<b>4.</b>

**3. Major Employment History**

Employer	Number of Years Employed	Your Job Title(s)
<b>1. Law Offices of Philip Fagone</b>	<b>11</b>	<b>Sole Practitioner</b>
<b>2. Hanson, Bridgett, et al</b>	<b>3</b>	<b>Construction Attorney</b>
<b>3. Hathaway Dinwiddie Construction Company</b>	<b>14</b>	<b>Senior Project Manager, Project Manager</b>
<b>4. Massachusetts Department of Public Works</b>	<b>7</b>	<b>Bridge Designer/Expeditor, Transportation Planner, Resident Engineer</b>

**5. Experience and General Information:** (continued on page 2)

<p>1. Describe your major areas of work experience/expertise:</p> <p><b>Construction Mediator since 1997. Have mediated in excess of 150 cases (construction claims, business disputes, and real estate disputes).</b></p> <p><b>Legal Counsel and Management Consulting to construction industry clients from 1997 to present - draft and negotiate construction contracts, develop claims avoidance programs, resolve construction disputes, train project managers</b></p>
<p>2. Describe your experience with construction claims:</p> <p><b>Assist and represent construction industry clients (public works and private works) in resolving claims on their projects.</b></p> <p><b>Assist construction industry clients in developing and implementing claims avoidance programs.</b></p> <p><b>Presentations to construction industry clients on managing projects effectively and avoiding disputes</b></p> <p><b>Speaker/Presenter at Lorman Education Services seminar on avoiding construction disputes</b></p>
<p>3. Describe your knowledge of construction contract law:</p>

Active Construction Attorney in California since 1997, primarily focused on providing legal counsel and management consulting to construction industry clients.

Practical knowledge from 14 years directly managing construction projects in California.

Assisted clients doing construction work in Colorado in understanding Colorado law; drafted and negotiated construction contracts for these projects; assisted in the resolution of disputes on these projects.

4. Describe your experience with construction contract administration:

Senior Project Manager on \$70 million 800,000 square foot Caltrans District 4 Headquarters in Oakland CA - led preconstruction team, managed contract between contractor and owner, primary contact for all communication with Caltrans and other state agencies, primary contact with local unions and local community agencies, lead construction team for shell building and tenant improvements, managed all subcontracts, managed all changes, presented all billings, managed closeout process. Senior Project Manager on \$50 million 360 room Park Hyatt Hotel in San Francisco CA - led construction team, managed all subcontracts, negotiated all changes and claims, prepared and negotiated all billings and changes, managed closeout; Project Manager on several other office buildings, office campus projects, laboratories,

5. Describe your construction field experience:

Senior Project Manager for Dinwiddie Construction Company from 1989 through 1994; Project Manager for Dinwiddie Constructoin Company from 1981 through 1989. Performed estimating, preconstruction services, and managed commercial construction projects. Senior Project Manager on \$70 million 800,000 square foot Caltrans District 4 Headquarters in Oakland CA; Senior Project Manager on \$50 million 360 room Park Hyatt Hotel in San Francisco CA; Project Manager on several other office buildings, office campus projects, laboratories, and tenant improvement spaces.

Project Expeditor for Massachusetts Department of Public Works on bridge redesign and reconstruction projects; Resident Engineer for Massachusetts Department of Public Works on highway and bridge construction projects.

6. Describe your DRB (or arbitration) training, certification, and experience:

Recently joined Dispute Resolution Board Foundation.

Received training as an arbitrator through Santa Clara County and San Mateo County court systems.

Have arbitrated several construction industry disputes - as a panel member on 3-arbitrator panel and as a sole arbitrator in binding and judicial arbitrations.

7. Describe your employment/retirement status and availability to serve on a DRB and geographical area:

Self employed and available to work on a DRB.

Located in San Francisco Bay Area in California and available to travel as necessary

DRB members are compensated as per Section 105.22 of the CDOT Specifications.

#### 6. List Two References For Your Experience With Construction Claims

Name	Title	Organization	Phone Number	Email Address
Steve McCoid	Executive Vice President	Hathaway Dinwiddie	408-988-4200	mccoids@hdcco.com

		<b>Construction Company</b>		
<b>Ken Welch</b>	<b>Vice President, Operations</b>	<b>Condon-Johnson &amp; Associates</b>	<b>510-636-2100</b>	

**Important Notice - All information provided on this form will be open to the public on the CDOT – DBR web page: “List of Candidate Members for the Dispute Review Board (DRB)”.**