



Contract Appeals Board

CAB (AF)

MISSION

The mission of the Contract Appeals Board is to provide an impartial, expeditious, inexpensive, and knowledgeable forum for hearing and resolving contractual disputes and protests involving the District and its contracting communities.

SUMMARY OF SERVICES

The Contract Appeals Board adjudicates protests of District contract solicitations and awards, appeals by contractors of District contracting officer final decisions, claims by the District against contractors, appeals by contractors of suspensions and debarments, and contractor appeals of interest payment claims under the Quick Payment Act.

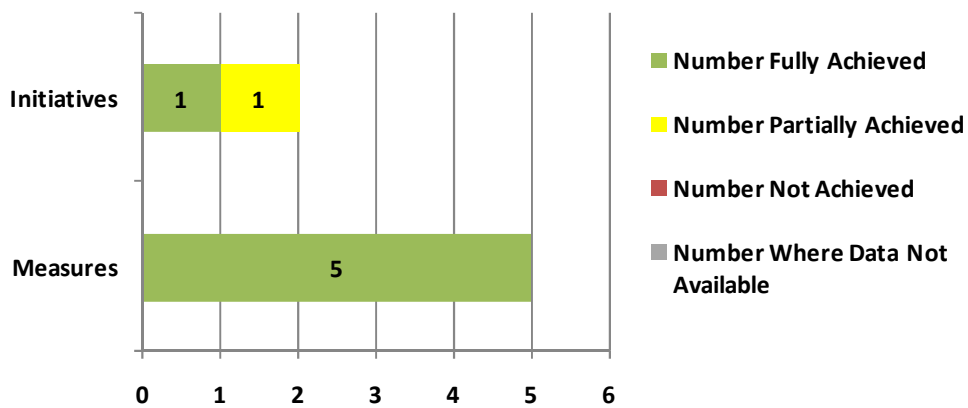
AGENCY OBJECTIVES

1. Promote confidence in the integrity of the procurement process through equitable, timely, efficient, and legally correct adjudication of disputes and protests.
2. Assist parties to resolve disputes through negotiation and settlement by initiating early case intervention, focusing attention on critical facts, resolving threshold legal issues, and conducting regular status conferences.
3. Educate government and private contracting parties on procurement policies of fair, open, and broad-based competition, the legal requirements for conducting proper procurements, and resolving disputes through traditional and alternative dispute resolution methods.

3 KEY ACCOMPLISHMENTS

- ✓ Helped parties achieve settlements in a high percentage of appeals and protest cases.
- ✓ Issued decisions in cases which could not settle in an acceptable timeframe while operating with only two judges during the entire fiscal year.
- ✓ Increased the offering of searchable electronic case dockets and pleadings on the CAB website, a unique feature among administrative and judicial tribunals nationwide.


OVERVIEW OF AGENCY PERFORMANCE







Performance Initiatives – Assessment Details

Performance Assessment Key:

 Fully achieved  Partially achieved  Not achieved  Data not reported

OBJECTIVE 1: Promote confidence in the integrity of the procurement process through equitable, timely, efficient, and legally correct adjudication of disputes and protests.

 **INITIATIVE 1.1: Complete digital archiving and loading into a database of all cases since 1999 and permit web-based retrieval and full-text searching capability by parties with pending cases and the public.**
Partially Achieved: The Board partially accomplished this initiative. The Board was able to complete digital archiving and loading into the database its protest cases from 2008-2001, and appeals cases from 2008-2003. The Board was not able to archive and load cases back to 1999 due to the size and complexity of some of the case dockets, current heavy caseload, and new filings during FY 2008. In addition, cases which involved protected information in pleadings filed under seal require special treatment before sealed filings can be unsealed and loaded into the database.

 **INITIATIVE 1.2: Improve the features for electronic filing and service of pleadings in Board cases.**
Fully Achieved: The Board accomplished this initiative. The Board worked with LexisNexis File and Serve personnel to expand the number of pro se litigants that were able to use the full file and serve features in Board cases beyond a basic review-only capability. Also, the Board worked with LexisNexis to improve the turnaround time required for creating a new case in the LexisNexis database by implementing standard protocols for transmitting the required initiating data to the database operations group. Finally, the Board was able to improve the quality of electronic filings by coordinating with the File and Serve data operations group to correct errors in pleadings and exhibits which had been previously filed electronically.

OBJECTIVE 2: Assist parties to resolve disputes through negotiation and settlement by initiating early case intervention, focusing attention on critical facts, resolving threshold legal issues, and conducting regular status conferences.

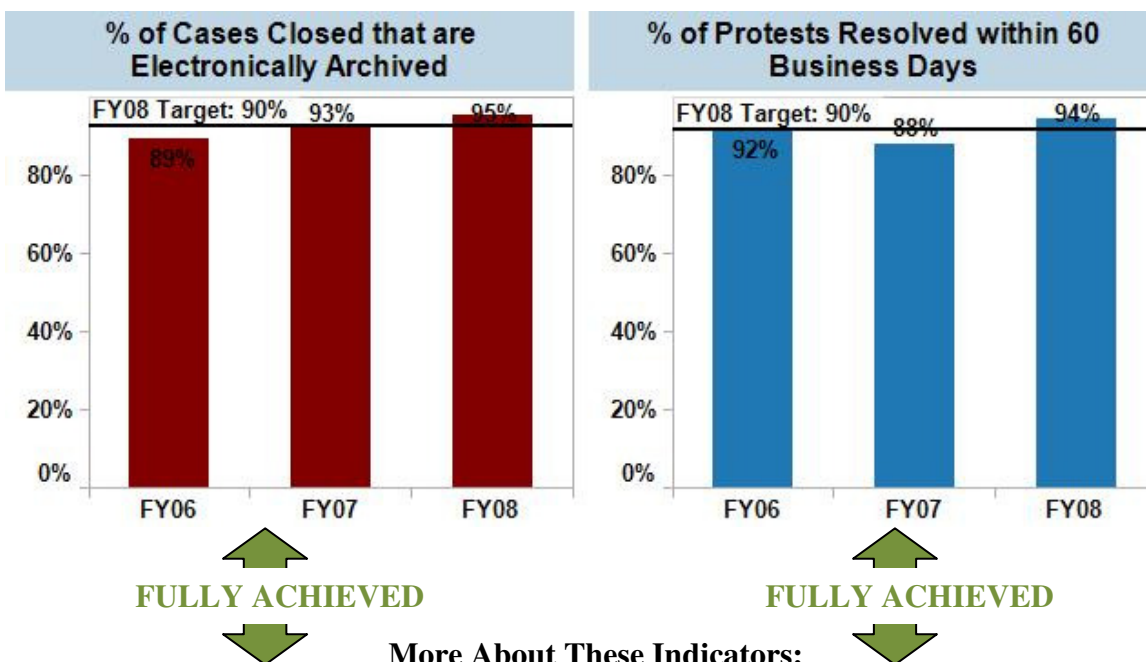
No initiatives reported for this objective for FY08.

OBJECTIVE 3: Educate government and private contracting parties on procurement policies of fair, open, and broad-based competition, the legal requirements for conducting proper procurements, and resolving disputes through traditional and alternative dispute resolution methods.

No initiatives reported for this objective for FY08.



Key Performance Indicators – Highlights



How did the agency's actions affect this indicator?

- The Board was able to achieve its goal despite the larger number of cases being closed through superior performance of the Board's two clerks.
- The Board was very successful during the fiscal year in influencing parties to file electronically rather than in paper format.

What external factors influenced this indicator?

- More cases were closed during the fiscal year that required importing into the Board's document management system and the ability to import cases is affected by whether parties file their pleadings electronically using the Board's electronic file and serve system or file their pleadings in paper format.

How did the agency's actions affect this indicator?

- Although operating without our third judge position being filled, the Board was able to influence parties to reach settlements in a number of protests during FY2008 thus conserving resources of the parties and the District government.
- In cases that could not be settled, the Board made use of status conferences to help narrow protest issues and resolve discovery and other disputes to streamline the ultimate resolution of the cases and make them more timely.

What external factors influenced this indicator?

- The Board faced a serious challenge due to an increased caseload of new protest filings during the fiscal year coupled with an unfilled vacancy for our third judge position.



Key Performance Indicators – Details

Performance Assessment Key:				
● Fully achieved	● Partially achieved	● Not achieved	● Data not reported	

	FY06 Actual	FY07 Actual	FY08 Target	FY08 Actual	FY09 Projection
OBJECTIVE 1: Promote confidence in the integrity of the procurement process through equitable, timely, efficient, and legally correct adjudication of disputes and protests.					
● Percent of protests resolved within 60 business Days	92.0%	87.5%	90.0%	94.4%	90.0%
● Percentage of appeals cases decided within 4 months of the cases being ready for decision	N/A	N/A	90%	90%	90%
● Percentage of new cases using electronic filing System	100%	100%	100%	100%	100%
● Percentage of decisions sustained on appeal.	N/A	N/A	100%	100%*	100%
● Percentage of cases closed by the Board which are electronically archived to permit web-based retrieval and full-text searching capability.	89%	93%	90%	95%	90%
OBJECTIVE 2: Assist parties to resolve disputes through negotiation and settlement by initiating early case intervention, focusing attention on critical facts, resolving threshold legal issues, and conducting regular status conferences.					
<i>None applicable to this objective</i>					
OBJECTIVE 3: Educate government and private contracting parties on procurement policies of fair, open, and broad-based competition, the legal requirements for conducting proper procurements, and resolving disputes through traditional and alternative dispute resolution methods.					
<i>None applicable to this objective</i>					

*No appeals in FY08; D.C. Superior Court issued a remand decision in FY2008 of a Board decision from FY2006 and that Superior Court remand decision has been appealed and is currently pending before the D.C. Court of Appeals.