



FY 2011 PERFORMANCE PLAN Contract Appeals Board

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 WORKLOAD MEASURE

Measure	FY 2009 Actual	FY2010 YTD
Number of appeals received—by the CAB	Not Available	33
Number of protests received by the CAB	Not Available	37
Number of “other” Received by the CAB	Not Available	0

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: Continue significant reductions to the number of open appeal cases that are 4 years or older by September 2011.

Consistent with FY’10’s CAB performance wherein 60% of the appeals cases closed were 4 years or older, CAB projects further significant reductions in its older appeals cases during FY’11. Overall, approximately 22% of the open CAB cases are 4 years or older (22/97). All of the aged cases are appeals. Consistent with our mission, CAB will continue to expedite disposition of older cases. This should not impact the timely disposition of newer filings since an additional CAB Board member was added in August 2010.

INITIATIVE 1.2: Complete digital archiving and loading into a database of all cases filed since 2002 by the end of FY11 and permit web-based retrieval and full-text searching capability by parties with pending cases and the public.

Digital archiving provides for better preservation and retrieval than paper records. Once digitized, the Board’s case files can be imported into its document management system and database. The database is linked to the Board’s public website which contains a series of searching options for users, such as searching documents by case number and full-text searching. This functionality is very useful for litigants who have



cases pending before the Board and for the contracting community and the public who wish to find case-specific information or general information about contract administration, contract formation, and protest and dispute resolution. The Board completed archiving and loading into the database of all cases filed since 2003 during FY2010 and expects to complete cases filed since 2002 within its current contracting services budget for FY2011.

INITIATIVE 1.2: Improve the features for electronic filing and service of pleadings in Board cases.

The Board will continue working with its electronic filing service provider to improve the features available to litigants, including securing and redacting protected information in filings, improving the procedures for initiating electronically new cases, and improving the user interface to reduce filing errors and to make the electronic filing process faster and more functional. The Board expects to perform this initiative without additional cost to the District government.

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.

INITIATIVE 2.1: Provide additional ADR training for CAB Judges.

The CAB Judges will seek appropriate training in Alternative Dispute Resolution “ADR” during FY’11 through workshops, seminars and peer-networking by September 2011. ADR benefits some litigants as it has the capacity to expedite resolution, reduce litigation costs, and avoid litigation. .

OBJECTIVE 3: Educate government and private contracting parties on resolving disputes through traditional and alternative dispute resolution methods.

INITIATIVE 3.1: Meet with stakeholders to promote ADR methods.

This FY, CAB (through Board members or other appropriate personnel) will meet with leaders of the local business community and other stakeholders, to educate them on mediation and other ADR opportunities, the opportunity to elect small claim and accelerated case procedures under existing CAB regulations, and CAB’s e-filing requirements.



PROPOSED KEY PERFORMANCE INDICATORS

Metric	FY2009 Actual	FY2010 Target	FY2010 YTD	FY2011 Projection	FY2012 Projection	FY2013 Projection
Percent of protests resolved within 60 business days.	78.4	90	82	90	90	90
Percentage of appeals cases decided within 4 months of the cases being ready for decision.	100	90	TBD	90	90	90
Percentage of new cases using electronic filing system.	100	100	100	100	100	100
Percentage of decisions sustained on appeal.(See footnote ¹)	Not Available	100	Not Available	100	100	100
Percentage of cases closed by the Board which are electronically archived to permit web-based retrieval and full-text searching capability.	95	95	95	95	95	95

¹ The Maryland State Board of Contract Appeals had one decision appealed in FY09 and three decisions appealed in FY 10. They report no decisions affirmed or reversed in FY 09, and one decision affirmed in FY10.