



**FY2013 PERFORMANCE PLAN**  
**District of Columbia 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.

**OBJECTIVE 1: Promote public 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 2013.**

The CAB will continue to expedite disposition of older cases. Since August 2010, CAB has eliminated 50% of the aged appeal cases (data current through July 30, 2012). We project that 80% of the remaining aged cases will be resolved by trial or settlement in FY2013. The remaining aged cases will be tried during the latter part of FY13, and written decisions will issue in early FY14.

**INITIATIVE 1.2: Complete digital archiving and loading into the database of all cases decided since 1992 and permit web-based retrieval and full-text searching capability by the 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.

**INITIATIVE 1.3: 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. Additionally, the Board will work with our service provider to automate the tracking of types of cases filed and case disposition reports (also at no cost).

**OBJECTIVE 2: Enhance the Board’s ability to efficiently and inexpensively manage and adjudicate cases.**

**INITIATIVE 2.1: Expand and improve law student intern program.**

Expeditious case disposition, including pretrial case management in appeal cases, requires meticulous attention to detail in tracking all pleadings, researching case precedent, and drafting memoranda, orders and opinions. CAB receives an average of 2,644 filings per year in open cases, and CAB Judges review over 25,000 pages annually. In this regard, the Board and the George Washington University Law School established a voluntary multi-year Law Clerk program on June 21, 2011. The program will continue in FY13, and provides each CAB Judge with one or more current GW Law students or recent law graduates for a range of 20-35 hours weekly. In FY13, five Law Clerks have accepted volunteer positions with CAB.

**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.**

In FY2013 the CAB (through Board members or other appropriate personnel) will educate stakeholders on mediation and other ADR opportunities. At the inception of each case, CAB encourages mediation/settlement through Scheduling Orders. Further, the Presiding Judge in each case encourages mediation/settlement at the pretrial conference in each case. The Board will continue to build upon its capacity to offer meaningful settlement/mediation opportunities to litigants.



## KEY PERFORMANCE INDICATORS

| Measure   | FY 2011 Actual | FY 2012 Target | FY 2012 YTD | FY 2013 Projections | FY 2014 Projections |
|---|----------------|----------------|-------------|---------------------|---------------------|
| Percent of protests resolved within 60 business days.   | 75.68%         | 90%            | N/A         | 90%                 | 90%                 |
| Percentage of appeals cases decided within 4 months of the cases being ready for decision.  | 86.67%         | 90%            | N/A         | 90%                 | 90%                 |
| Percentage of new cases using electronic filing system.   | 100%           | 100%           | 100%        | 100%                | 100%                |
| Percentage of decisions sustained on appeal   | N/A            | 100%           | N/A         | 100%                | 100%                |
| Percentage of cases closed by the Board in the current fiscal year that are electronically archived to permit web-based retrieval and full-text searching capability. | 100%           | 95%            | 100%        | 100%                | 100%                |