



## FY 2014 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, protests, and debarments and suspensions 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 on disputes or Quick Payment Act claims, claims by the District against contractors, and appeals by contractors of suspensions and debarments.

### PERFORMANCE PLAN DIVISIONS

- Adjudication
- Contract Appeals Board (Agency Management Program)<sup>1</sup>

### AGENCY WORKLOAD MEASURES

Measure	FY 2011 Actual	FY 2012 Actual	FY 2013 YTD <sup>2</sup>
Number of contract solicitation and award protests filed	33	30	25
Number of appeals by contractors of District contracting officer final decisions filed	26	23	28
Number of cases by the District against contractors filed	0	0	0
Number of appeals by contractors of suspensions or debarments filed	0	0	0
Number of contractor appeals of interest payment claims under the Quick Payment Act filed	N/A	N/A	1

**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 3 years or older by September 2014.**

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<sup>1</sup> The Contract Appeals Board is a relatively small agency with only 8 full-time equivalents. Therefore, the agency's FY14 Performance Plan is not organized by budget division because there is significant overlap between budget programs.

<sup>2</sup> All FY 2013 YTD data is as of the 4<sup>th</sup> quarter 2013.



Since the replacement of the Board's previous Judges beginning in FY11, current judges have been working diligently to reduce an inherited backlog of aged appeals cases (i.e. more than three years old). In FY14, the Board expects to completely eliminate the legacy backlog. In addition, the Board will reduce the number of appeals cases that are three years or older to less than 5%. **Completion date: September 2014.**

**INITIATIVE 1.2: Complete digital archiving and loading into the database of all appeal cases decided between 1988-1991, and all protest cases decided between 1986-1991, permitting 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 transparent for litigants, the contracting community and the public. In FY14 the Board will digitize and upload to its website appeals cases decided from 1988 through 1991 and protest cases decided from 1986 through 1991. **Completion date: September 2014.**

**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 38,000 pages annually. In this regard, the Board and the George Washington University Law School established a voluntary multi-year Law Clerk program in 2011. We have subsequently expanded the program to include all local law schools, and have engaged Law Clerks from American, Georgetown and Howard University law schools. The program will continue in FY14, providing each CAB Judge with one or more law students or recent law graduates for 20-35 hours weekly. **Completion date: September 2014.**

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

**INITIATIVE 3.1: Meet with stakeholders to promote ADR methods.**

In FY14 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. We anticipate that these efforts will result in litigants requesting dismissal in 30% of the cases closed by the Board in FY14. **Completion date: September 2014.**



### KEY PERFORMANCE INDICATORS – Contract Appeals Board

Measure	FY 2012 Actual	FY 2013 Target	FY 2013 YTD	FY 2014 Projection	FY 2015 Projection	FY 2016 Projection
Percent of protests resolved within 60 business days.	89%	90%	96%	96%	96%	100%
Percentage of appeals cases decided within 4 months of the cases being ready for decision.	91%	90%	79%	90%	90%	90%
Percentage of new cases using electronic filing system.	100%	100%	100%	100%	100%	100%
Percentage of decisions sustained on appeal.	100%	100%	100%	100%	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%	100%	100%	100%	100%	100%
Percentage of pending cases that are less than 3 years old.	N/A	N/A	N/A	95%	100%	100%