



FY 2015 PERFORMANCE PLAN District of Columbia Contract Appeals Board

MISSION

The mission of the Contract Appeals Board (CAB) 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 reviews and determines de novo protests of District contract solicitations and/or awards, appeals by contractors of District contracting officer final decisions on contractor claims, claims by the District against a contractor, appeals by contractors of suspensions and/or debarments, and contractor appeals of interest payment claims under the Quick Payment Act.

PERFORMANCE PLAN DIVISIONS

- Adjudication
- Contract Appeals Board (Agency Management Program)¹

AGENCY WORKLOAD MEASURES

Measure	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual
Number of contract solicitation and award protests filed	30	25	24
Number of appeals by contractors of District contracting officer final decisions filed	23	28	12
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	1	N/A

¹ The Contract Appeals Board is a relatively small agency with only 8 full-time equivalents. Therefore, the agency's FY15 Performance Plan is not organized by budget division because there is significant overlap between budget programs.



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 2015.

During the current Judges tenure beginning in FY2011, CAB has reduced the total docket of appeals cases from 113 (FY2011) to 60 at the close of FY2014. The decrease results from closing 85% of an historic appeals backlog, conducting trials in 40 government contract cases in three years, and closing a record 78 cases in FY14. By the close of CY 2014, 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 2015.**

INITIATIVE 1.2: Complete digital archiving and loading into the database of all appeal cases decided between 1985-1988, and all protest cases decided between 1985-1988, 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. From FY11 to FY14, the Board digitized and uploaded 662 cases to the public website. In FY15, the Board will continue to digitize and upload old cases to the public website, focusing on appeals cases decided from 1985 to date and protest cases decided from 1986 to date. **Completion date: September 2015.**

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. In FY14, CAB received an average of 1,361 court filings in open cases, and CAB Judges reviewed over 28,000 pages of material filed with the Board. In this regard, the Board has established a voluntary multi-year Law Clerk program dating back to 2011. We have subsequently expanded the program to include all local law schools, and have engaged Law Clerks from American, Georgetown, George Washington, Howard University and the University of the District of Columbia law schools. The program will continue in FY15, providing CAB Judges with law students or recent law graduates for up to 20-35 hours weekly. **Completion date: September 2015.**



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 FY15 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 FY15. **Completion date: September 2015.**

KEY PERFORMANCE INDICATORS – Contract Appeals Board

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 Actual	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Percent of protests resolved within 60 business days.	96%	90%	82%	95%	95%	95%
Percentage of appeals cases decided within 4 months of the cases being ready for decision.	79%	90%	84%	90%	90%	90%
Percentage of new cases using electronic filing system.		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	80% ²	100%	100%	100%

² CY14 is the final year that the Board will carry legacy backlog cases on our docket.