



## Contract Appeals Board CAB (AF)

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### 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.

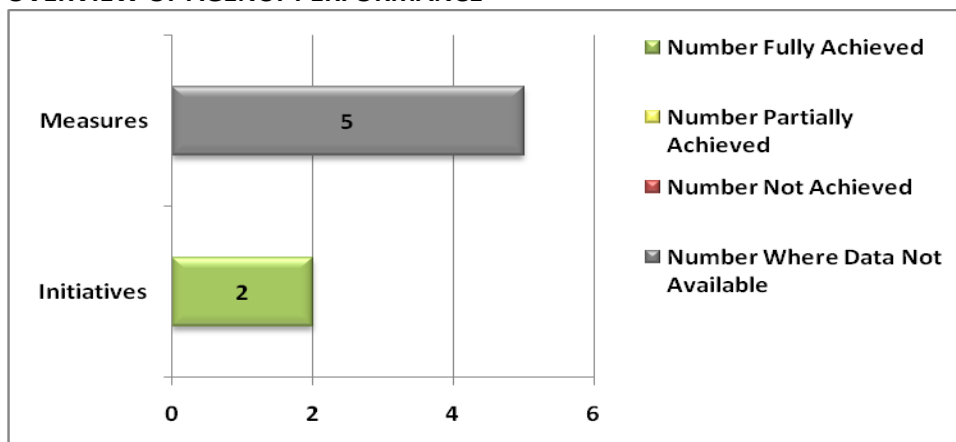
### AGENCY OBJECTIVES

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.

### ACCOMPLISHMENTS

- ✓ The Board was able to help parties achieve settlements in a high percentage of appeals and protest cases.
- ✓ The Board was able to issue decisions in cases which could not settle in an acceptable timeframe notwithstanding operating with only two judges during the entire fiscal year.
- ✓ The Board was able to continue expanding its offering of electronic case dockets and pleadings at its website which can be viewed, downloaded, and searched using a full text proximity search engine that is unique 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 filed since 2004 and permit web-based retrieval and full-text searching capability by parties with pending cases and the public.**

-  The CAB has fully achieved digital archiving since 2004. All filings with the Board have been completed electronically for both the protests and appeals in the District or the CAB for Pro-Se (self-represent).

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

-  The CAB continues to work with Lexis Nexis to provide better service and more features for the electronic filing system. Also, the Board electronically publishes its decisions with the two major electronic legal publishers and research services, LexisNexis and Thomson's West Group. In addition, since the Board initiated electronic filing at the beginning of FY 2002, its decisions have been published at the LexisNexis File and Serve website containing the Board's electronic filing case database.

### **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.*

### **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.*



## Key Performance Indicators – Highlights

From Objective 1: % of protests resolved within 60 business days

From Objective 1: % of cases closed by the Board which are electronically archived to permit web-based retrieval and full-text searching capability.



### More About These Indicators:

#### *How did the agency's actions affect this indicator?*

- The Board resolved 37 cases, 25 through published opinions; 12 through voluntary dismissals.
- The Board influenced parties to reach numerous settlements in FY09 thus conserving government and complainant resources.
- In cases that could not be settled, the Board used status conferences to narrow protest issues and resolve discovery disputes to streamline the ultimate resolution of the cases and make them more timely.

#### *What external factors influenced this indicator?*

- Protest filings nearly doubled from a year ago (40 in FY2009 versus 24 in FY2008)
- The Board operated without a third judge

#### *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 the 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 in paper format.



## Key Performance Indicators – Details

**Performance Assessment Key:**

● Fully achieved     
 ● Partially achieved     
 ● Not achieved     
 ● Data not reported

	Measure Name	FY2008 YE Actual	FY2009 YE Target	FY2009 YE Actual	FY2009 YE Rating	Budget Program
●	1.1 Percent of protests resolved within 60 business days.	90	90			CONTRACT APPEALS BOARD
●	1.2 Percentage of appeals cases decided within 4 months of the cases being ready for decision.	90	90			CONTRACT APPEALS BOARD
●	1.3 Percentage of new cases using electronic filing system.	100	100			CONTRACT APPEALS BOARD
●	1.4 Percentage of decisions sustained on appeal.	100	100			CONTRACT APPEALS BOARD
●	1.5 Percentage of cases closed by the Board which are electronically archived to permit web-based retrieval and full-text searching capability	90	93			CONTRACT APPEALS BOARD