



## **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.

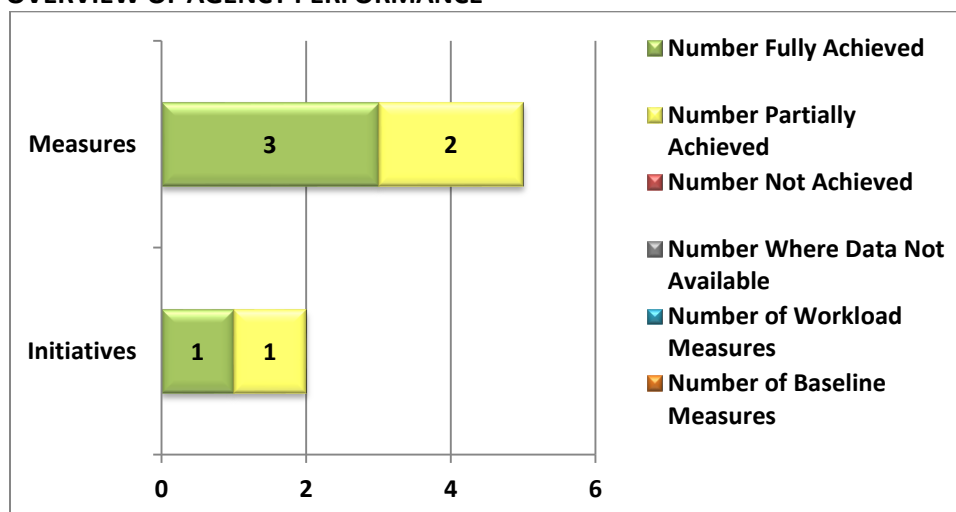
### **ACCOMPLISHMENTS**

- ✓ The CAB is committed to providing an expeditious forum for protest and dispute resolution. In FY'11 the Board continued to expedite disposition of older cases, closing 29% of the four or more year old appeal cases. In FY'11, the Board also scheduled 35 (thirty-five) cases for trials that will be conducted during FY'12, and an additional 10 cases for trials that will be conducted in FY'13. The Board was also involved in several professional development activities in FY'11 that will sustain and improve (where appropriate) current levels of excellence in dispute resolution, including the following:
  - CAB Judges, along with Administrative Judges in the D.C. Office of Administrative Hearings, participated in a four day training event from September 27-30, 2011. The training event satisfied continuing judicial education goals of an informed and knowledgeable judiciary by offering training on, inter-alia, judicial bias, alternative dispute resolution, decision-writing, judicial ethics, and judicial reasoning.
  - In FY'11, CAB Judges participated as panelists and attendees in training events sponsored by the Board of Contract Appeals Bar Association, the Board of Contract Appeals Judges Association, the American Bar Association, Government Claims Committee, the D.C. Bar, and Federal Publications Seminar Series.
  - In FY'11, CAB Judges participate in on-going training through a subscription to Westlaw on-line training, a comprehensive legal training database of over 7,000 programs.
- ✓ The CAB's case database, linked to our web-based public database, provides case-specific and general information regarding CAB personnel, case docket, contract administration, contract formation, and protest and dispute resolution; assuring transparency. During FY'11 the Board completed archiving and loading into the database all cases filed between 2000 and 2002. Further, 100% of all new cases are uploaded to the CAB website in real-time, and all new cases utilize the Board's electronic filing system.



- ✓ **Accomplishment 3:** During FY'11 the CAB established a partnership with George Washington Law School that provides one 20 hour per week intern for each Judge (i.e., 2,340 aggregate volunteer hours/annum) The program provides valuable legal assistance to the Board at no cost, and an educational “real world” experience for the law students for which they may receive academic credit. The CAB/GWL partnership saves the District of Columbia taxpayer an estimated \$71,000/annum (i.e., the approximate market cost of one judicial clerk (including fringes)).

### OVERVIEW OF AGENCY PERFORMANCE





## Performance Initiatives – Assessment Details

### Performance Assessment Key:

 Fully achieved       Partially achieved       Not achieved       Data not reported

### Agency Management

**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.**

In FY'11 the CAB continued to expedite disposition of older cases. 29% of the four or more year old appeal cases were closed.

**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.**

The case database, linked to the Board's public website, provides case-specific and general information regarding contract administration, contract formation, and protest and dispute resolution; assuring transparency. During FY'11 the Board completed archiving and loading into the database all cases filed between 2000 and 2002.

**INITIATIVE 1.3: Improve the features for electronic filing and service of pleadings in Board cases.**

The CAB's electronic filing service provider, LexisNexis, implemented Board recommended improved, more "user friendly", search menus and filing procedures to assist our litigants.

**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.**

During FY'11 CAB Judges participated in training sponsored by the National Judicial College including ADR. The training was held from September 27-30, 2011, in the District of Columbia at the D.C. Office of Administrative Hearings. CAB Judges also participated as panelists and/or attendees at training events sponsored by the D.C. Bar, the American Bar Association/Government Claims Committee, the Board of Contract Appeals Bar Association, the Board of Contract Appeals Judges Association, and Federal Publications Seminar Series.

**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 FY'11 the CAB began providing information respecting ADR in all scheduling conferences and scheduling orders. This information includes notifying the parties of opportunities to utilize neutral arbitration services through the federal Civilian Board of Contract Appeals through a unique CBCA/DC CAB partnership. Additionally, CAB judges explore settlement and ADR with the parties at all pre-trial and status conferences.



## Key Performance Indicators – Details

### Performance Assessment Key:

 Fully achieved       Partially achieved       Not achieved       Data not reported

		<b>Measure Name</b>	<b>FY2010 YE Actual</b>	<b>FY2011 YE Target</b>	<b>FY2011 YE Revised Target</b>	<b>FY2011 YE Actual</b>	<b>FY2011 YE Rating</b>	<b>Budget Program</b>
	1.1	Percent of protests resolved within 60 business days.	86.84%	90%		75.68%	84.08%	
	1.2	Percentage of appeals cases decided within 4 months of the cases being ready for decision.	80.77%	90%		86.67%	96.30%	
	1.3	Percentage of new cases using electronic filing system.	100%	100%		100%	100%	
	1.4	Percentage of decisions sustained on appeal.	100%	100%		N/A	0%	
	1.5	Percentage of cases closed by the Board which are electronically archived to permit web-based retrieval and full-text searching capability	95%	100%		44.76%	44.76%	