



## **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**

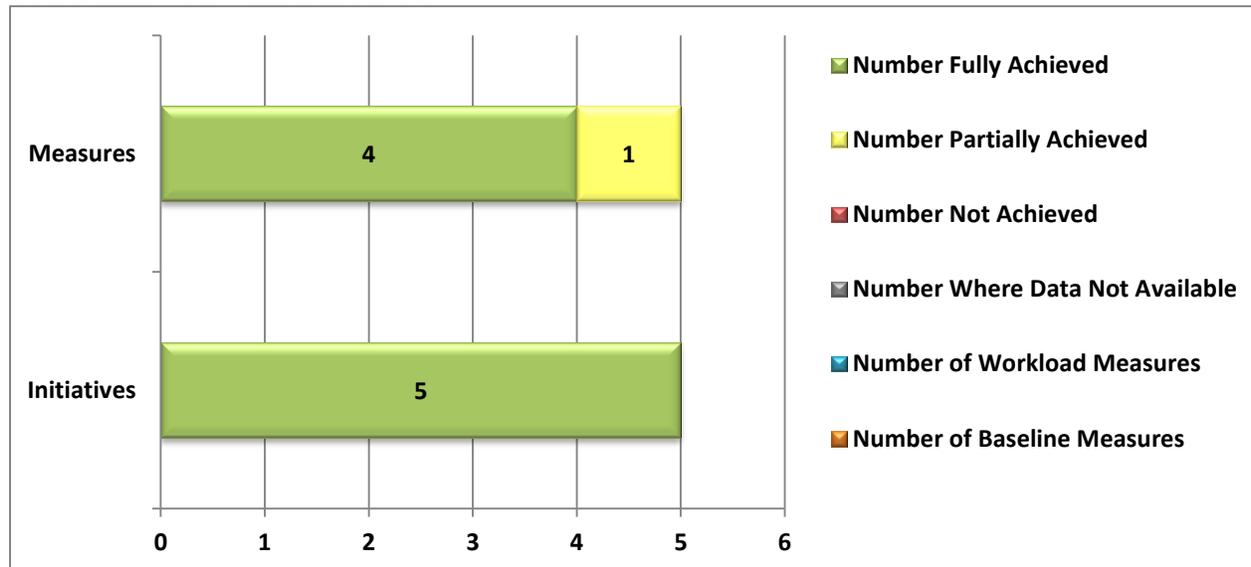
- ✓ Accelerated Case Dispositions:  
CAB tried 22 cases in FY2012. Included in FY2012's completed trials were 10 aged cases\*, positioning these cases for closure in FY2013. CAB has also completed trials for 5 cases in FY2013 to date, including 4 aged cases.
- ✓ CAB closed 5 aged cases\* in FY2012 through summary judgment, trial or settlement, and has closed 2 aged cases in FY2013 to date. CAB doubled the size of our volunteer law clerk program with George Washington University Law School. The program nets CAB approximately 6,300 hours of volunteer legal research/writing support per annum. (The 6300 hour metric is based on 2 Pathway to Practice Fellows at 40 hours per week for 45 weeks (7 weeks deducted for winter, spring, and summer breaks), and 3 law student clerks at 20 hours per week for 45 weeks (same 7 week period deducted).
- ✓ CAB created an online trial and pretrial hearing calendar on the public website. The calendar lists the Presiding Judge and panel for each case, and links to all pleadings filed in the case.

\*"Aged cases" are appeals filed in 2008 or earlier. Information current through January 10, 2013

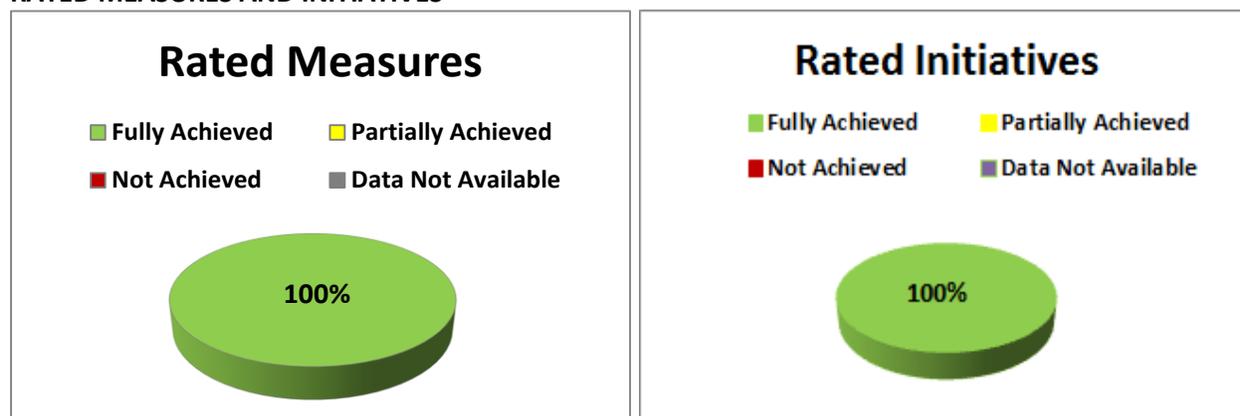


## OVERALL OF AGENCY PERFORMANCE

### TOTAL MEASURES AND INITIATIVES



### RATED MEASURES AND INITIATIVES



**Note:** Workload and Baseline Measurements are not included

Default KPI Rating:	
≥ 100%	Fully Achieved
75 - 99.99%	Partially Achieved
< 75%	Not Achieved



## Performance Initiatives – Assessment Details

### Performance Assessment Key:

-  Fully achieved     Partially achieved     Not achieved     Data not reported

## Agency Management

### OBJECTIVE 1: Promote public confidence in the procurement process

#### INITIATIVE 1.1: Complete digital archiving

**Fully achieved.** Chief Judge is ultimately responsible for this task. In FY2012, the Protest and I.T.

- Clerk were responsible for day-to-day administration. All cases filed since 1995 are available to the public for web-based retrieval and full-text searching.

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

The Chief Judge is ultimately responsible for this task. In FY2012, the Appeals Clerk was responsible for day-to-day administration. Fully Achieved. The Board continues to work with litigators and its electronic filing service to maximize system transparency, functionality and user friendliness.

### OBJECTIVE 2: Assist parties to resolve disputes through negotiation and settlement

#### INITIATIVE 2.1: Provide additional ADR training for CAB Judges

- **Fully achieved.** The Chief Judge is ultimately responsible for this task. CAB Judges completed ADR training at the National Judicial College's Advanced Administrative Law Seminar, September 27-30, 2011. Also, CAB Judges have unlimited subscription services to online legal education offered by West LegalEdcenter. Online ADR courses include: Alternative Dispute Resolution; Diversity in ADR: Challenges and Steps Forward, A Discussion of Current Issues in Local ADR Practice, and; Pathways to ADR: Determining the Who, What, Where, Why and How of Arbitration and Mediation.

### OBJECTIVE 3: Educate government and private contracting parties on procurement policies

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

**Fully achieved:** Each Judge participates in this initiative through cases on individual dockets. CAB Judges regularly convene predictive outcome conferences with litigants, suggesting possible case outcomes if a written decision were to be issued. Although this technique is neither mediation nor ADR, it reduces litigation costs and truncates disposition timelines. Predictive Outcome conferences resulted in the resolution of four cases in FY2012. Additionally, use of this technique in multi-claim appeals resulted in appellants deciding to abandon claims in four cases.



## Key Performance Indicators – Details

### Performance Assessment Key:

Fully achieved    
 Partially achieved    
 Not achieved    
 Data not reported

	KPI	Measure Name	FY 2011 YE Actual	FY 2012 YE Target	FY 2012 YE Revised Target	FY 2012 YE Actual	FY 2012 YE Rating	Budget Program
	1.1	Percent of protests resolved within 60 business days.	76%	90%		88.89%	98.77%	CONTRACT APPEALS BOARD
	1.2	Percentage of appeals cases decided within 4 months of the cases being ready for decision.	87%	90%		91.18%	101.31%	CONTRACT APPEALS BOARD
	1.3	Percentage of new cases using electronic filing system.	100%	100%		100%	100%	CONTRACT APPEALS BOARD
	1.4	Percentage of decisions sustained on appeal.	100%	100%		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	95%	100%		100%	100%	CONTRACT APPEALS BOARD