

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of Mayor Muriel Bowser



Office of the City Administrator

January 15, 2021

Fiscal Year (FY) 2020 was an unprecedented year for all DC residents, businesses and the District Government. In March 2020—the second quarter of the fiscal year—Mayor Bowser declared a public health emergency and District government quickly pivoted to respond to the COVID-19 global health pandemic. To align with recommended social distancing and public safety guidelines, in just one day, over 60 percent of District government employees transitioned to a telework posture. In addition, many District agencies limited or temporarily ceased most in-person activities and services.

The global health emergency required the District to significantly reallocate financial and personnel resources to respond to the pandemic. With the change in operations and a substantial decrease in revenues, the District's response required all agencies to determine how to best provide services to District residents, visitors and employees, while maintaining the necessary protocols to help slow the spread of COVID-19.

As such, the global health pandemic greatly impacted some agencies' abilities to meet their FY20 key performance indicators (KPIs) and strategic initiatives established prior to its onset as agencies shifted resources to respond to COVID-19. Therefore, outcomes for KPIs and strategic initiatives reflect a shift in District priorities and efforts during this crisis. While we continue to believe strongly in performance tracking to improve District services, the data for FY20 is not fully indicative of agencies' performance and should be reviewed factoring in the unprecedented challenges encountered in FY 2020.

Sincerely,

A handwritten signature in black ink that reads 'Kevin Donahue'.

Kevin Donahue
Interim City Administrator



Contract Appeals Board FY2020

Agency Contract Appeals Board

Agency Code AFO

Fiscal Year 2020

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 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).

2020 Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
No accomplishments found		

2020 Key Performance Indicators

Measure	Frequency	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Target	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020 Actual	KPI Status	Explanation for Unmet FY 2020 Target
1 - Increase public confidence in the DC procurement process through the efficient, effective and fair disposition of public contracting disputes. (4 Measures)												
Percent of Appeals resolved within 4 months of the cases being ready for decision	Annually	80%	84.2%	81.3%	90%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	92.86%	Met	
Percent of Protests resolved within 60 business days	Annually	87%	90.9%	100%	95%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	94.12%	Nearly Met	No barriers. One protest was resolved within 63 Business Days rather than the 60 Business Day standard (16/17 = 94%).
Percent of decisions sustained on appeal	Annually	100%	No Applicable Incidents	100%	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	No applicable incidents		
Percent of pending Appeals that are three years old or less	Annually	92.9%	86.7%	100%	90%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	
2 - Increase use of Alternative Dispute Resolution (ADR) in resolving cases without the need for traditional litigation models, resulting in faster, more efficient dispositions of cases and greater party satisfaction. (1 Measure)												
Percent of cases resolved through settlement	Annually	48.4%	55.4%	55.6%	50%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	50%	Met	
3 - Create and maintain a highly efficient, transparent and responsive District government through the digital archiving and electronic filing of all Board cases permitting web-based retrieval and full-text searching by the parties with pending cases and the public. (2 Measures)												
Percent of new cases using electronic filing system	Annually	100%	100%	100%	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	83.33%	Unmet	In FY20, three cases were initially filed with the Board by mail; one case was filed with the Board by e-mail. While the goal of the Board is to have 100 percent of cases filed using the electronic case file system, there must still be flexibility to allow access to parties who may not choose to, or be able to, file using the Board's electronic filing system.

Measure	Frequency	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Target	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020 Actual	KPI Status	Explanation for Unmet FY 2020 Target
Percent 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	Annually	100%	100%	100%	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	

2020 Workload Measures

Measure	FY 2018 Actual	FY 2019 Actual	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020 PAR
1 - Reduce the number of open appeal cases that are three years or older through docket review and strategic resource allocation (2 Measures)							
Number of new cases filed	46	35	Annual Measure	Annual Measure	Annual Measure	Annual Measure	24
Number of cases resolved	56	36	Annual Measure	Annual Measure	Annual Measure	Annual Measure	36
2 - Increase use of ADR in resolving disputes before CAB through researching, developing and applying best practices in mediation and other alternative dispute resolution models (2 Measures)							
Number of Scheduling Orders issued encouraging settlement	46	35	Annual Measure	Annual Measure	Annual Measure	Annual Measure	24
Number of cases resolved through settlement/voluntary withdrawal	31	20	Annual Measure	Annual Measure	Annual Measure	Annual Measure	18
3 - Increase digital archiving and electronic filing of new cases to provide full-text searching and, therefore, greater transparency for litigants, the contracting community and the public (3 Measures)							
Number of archived protest and appeals cases digitized and uploaded to the public website	20	0	Annual Measure	Annual Measure	Annual Measure	Annual Measure	0
Number of new cases filed and processed electronically	46	35	Annual Measure	Annual Measure	Annual Measure	Annual Measure	21
Number of documents filed in new cases	1461	1376	Annual Measure	Annual Measure	Annual Measure	Annual Measure	2043

2020 Operations

Operations Header	Operations Title	Operations Description	Type of Operations
1 - Increase public confidence in the DC procurement process through the efficient, effective and fair disposition of public contracting disputes. (1 Activity)			
ADJUDICATION	Reduce the number of open appeal cases that are three years or older through docket review and strategic resource allocation	Working goal to reduce the number of cases that are three years or older to less than 5 percent.	Daily Service
2 - Increase use of Alternative Dispute Resolution (ADR) in resolving cases without the need for traditional litigation models, resulting in faster, more efficient dispositions of cases and greater party satisfaction. (1 Activity)			
ADJUDICATION	Increase use of ADR in resolving disputes before CAB through researching, developing and applying best practices in mediation and other alternative dispute resolution models	At the inception of each case, CAB encourages mediation/settlement through Scheduling Orders. Further, the Presiding Judge in each case encourages mediation/settlement during the pretrial conference. CAB will continue to build upon its capacity to offer meaningful settlement/mediation opportunities to litigants.	Daily Service
3 - Create and maintain a highly efficient, transparent and responsive District government through the digital archiving and electronic filing of all Board cases permitting web-based retrieval and full-text searching by the parties with pending cases and the public. (1 Activity)			
ADJUDICATION	Increase digital archiving and electronic filing of new cases to provide full-text searching and, therefore, greater transparency for litigants, the contracting community and the public	Completion of digital archiving and loading into the database of historical appeal and protest cases permitting web-based retrieval and full-text searching capability by the parties with pending cases and the public, while promoting electronic filing and uploading of documents in all newly filed cases.	Key Project

2020 Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
Increase digital archiving and electronic filing of new cases to provide full-text searching and, therefore, greater transparency for litigants, the contracting community and the public (2 Strategic initiatives)				

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
Completion of Scanning and Archiving of Pre E-Filed Board Cases	The Mayor and DC Council (as recommended by the Committee on Facilities and Procurement) allotted funding in FY20 for the Board to solicit contracting assistance to finalize scanning and archiving of remaining pre-e-filed cases at the Board.	75-99%	Through this initiative 850,000 pages of the Board's archival case documents have been scanned and prepared for archives. The Board estimates another 577,500 pages will need to be processed to complete this project. In addition, delivery of the processed documents to archives will be delayed for an indefinite period due to limited archival operations during the pandemic. In FY21, the Board will work to upload the processed documents to its public website.	Through this initiative 850,000 pages of the Board's archival case documents have been scanned and prepared for archives. The Board estimates another 577,500 pages will need to be processed to complete this project. In addition, delivery of the processed documents to archives will be delayed for an indefinite period due to limited archival operations during the pandemic. In FY21, the Board will work to upload the processed documents to its public website.
CAB IT Director	The Mayor and DC Council (as recommended by the Committee on Facilities and Procurement) allotted funding in FY20 for the Board to hire a senior IT Director to assist in bringing to the Board state-of-the-art courtroom technology related to e-filing, public accessibility, transparency and other mission-critical IT initiatives.	Complete	CAB IT Director hired April 13, 2020.	