

# Contract Appeals Board FY2018

## FY2018 Performance Accountability Report

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives, and key performance indicators (KPIs).

## 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).

## FY18 Top Accomplishments

What is the accomplishment that your agency wants to highlight?	How did this accomplishment impact residents of DC?	How did this accomplishment impact your agency?
Since FY11, Board Judges have achieved a 81% net reduction in open cases on the Board's docket (open cases declined from 104 at the end of FY11 to 20 at the end of FY18). Ultimately, CAB's case closures restore confidence in the integrity of District procurement, position District agencies to channel resources into service delivery, reduce parties' exposure to judgment interest under D.C. Official Code § 2-359.09, and free up resources to pursue other initiatives.	Supports the District government's mission of providing excellence in government for the citizens of the District of Columbia.	Supports the Board's mission of providing an impartial, expeditious, inexpensive, and knowledgeable forum for hearing and resolving contractual disputes and protests involving the District and its contracting communities.
CAB is viewed regionally and nationally as a premier state agency in the complex field of government contracts adjudication. The Washington Post and the Washington Business Journal have noted CAB in recent articles for its "critical", "impartial", and "knowledgeable" case review, and for having "the most transparent database" of any government agency covered by the [the Washington Business Journal]. CAB serves as the model of excellence (transparency, technologically) for Contract Appeals Boards nationwide.	Supports the District government's mission of providing excellence in government for the citizens of the District of Columbia. Provides residents of DC technologically advanced access to government services related to the resolution of public contracting in an efficient, transparent and fair manner.	Supports the Board's mission of providing an impartial, expeditious, inexpensive, and knowledgeable forum for hearing and resolving contractual disputes and protests involving the District and its contracting communities.
From FY11 to FY18, parties filed 260,284 pages of materials with the Board (including a record 41,742 pages filed in FY17), all of which have been uploaded to the CAB website for public viewing (except materials filed under seal pursuant to CAB Rule 104).	Supports the District government's mission of providing excellence in government for the citizens of the District of Columbia. Provides residents of DC technologically advanced access to government services related to the resolution of public contracting in an efficient, transparent and fair manner.	Supports the Board's mission of providing an impartial, expeditious, inexpensive, and knowledgeable forum for hearing and resolving contractual disputes and protests involving the District and its contracting communities.

## 2018 Strategic Objectives

Objective Number	Strategic Objective
1	Increase public confidence in the DC procurement process through the efficient, effective and fair disposition of public contracting disputes.
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.
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.**

## 2018 Key Performance Indicators

Measure	Freq	Target	Q1	Q2	Q3	Q4	FY2018	KPI Status	Explanation
<b>1 - Increase public confidence in the DC procurement process through the efficient, effective and fair disposition of public contracting disputes. (4 Measures)</b>									
Percentage of pending cases that are three years old or less	Annually	90%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	86.7%	Nearly Met	N/A (Substantially Met) -- Metric applies to CAB appeals cases only.
Percentage of appeals resolved within 4 months of the cases being ready for decision	Annually	90%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	84.2%	Nearly Met	N/A (Substantially Met)
Percentage of Protests resolved within 60 business days	Annually	95%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	90.9%	Nearly Met	N/A (Substantially Met)
Percentage of decisions sustained on appeal	Annually	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	No applicable incidents		
<b>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)</b>									
Percentage of cases resolved through settlement	Annually	50%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	55.4%	Met	
<b>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)</b>									
Percentage of new cases using electronic filing system	Annually	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	
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	Annually	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	

\*\*We've revisited a project to standardize District wide measures for the Objective "Create and maintain a highly efficient, transparent and responsive District government." New measures will be tracked in FY18 and FY19 and published starting in the FY19 Performance Plan.

## 2018 Workload Measures

Measure	Freq	Q1	Q2	Q3	Q4	FY 2018
<b>1 - Reduce the number of open appeal cases that are three years or older through docket review and strategic resource allocation. (2 Measures)</b>						
Number of new cases filed	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	46
Number of cases resolved	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	56
<b>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)</b>						
Number of Scheduling Orders issued encouraging settlement	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	46
Number of cases resolved through settlement/voluntary withdrawal	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	31
<b>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)</b>						
Number of archived protest and appeals cases digitized and uploaded to the public website	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	20
Number of new cases filed and processed electronically	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	46
Number of documents filed in new cases	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	1461

## 2018 Strategic Initiatives

Title	Description	Complete to Date	Status Update	Explanation
<b>ADJUDICATION (4 Strategic initiatives)</b>				
Developing digital archiving and	In FY18 the Contract Appeals Board will continue, with the assistance of a new IT manager, the development of its digital archiving and uploading production goals and	75-99%	In FY18, the Board's Document Retention Schedule was formally approved by the DC Office of Public Records, thereby facilitating	On-going initiative (please see update).

Title	Description	Complete to Date	Status Update	Explanation
uploading production goals	accompanying staff resource allocation plan in order to further the Board's commitment to the prompt dissemination and display of all materials in pending and closed cases (not subject to a protective order) to the public, resulting in greater transparency and confidence in government operations.		the Board's archive operations. In FY18 100% of the cases closed by the Board were electronically archived to permit web-based retrieval and full-text searching capability thereby meeting its performance goal of 100%. In addition, in FY18 100% of newly-filed cases utilized the Board's electronic filing system thereby meeting its performance goal of 100%.	
Enhancing use of ADR and Settlement Capabilities	The Board will continue its commitment to the use of alternative dispute resolution (ADR) by researching and developing a template for a "best in class" ADR program. In this regard, the Board intends to continue to confer with key District stakeholders, and to review best practices across a wide spectrum of ADR knowledge experts, including our federal contract appeals board counterparts, the District of Columbia Court system, and public interest/private sector resources such as the National Center for State Courts, the Council for Court Excellence, the National Judicial College, and the Judicial Arbitration and Mediation Services of "JAMS".	75-99%	In FY18, the Board resolved 55% of its dispute and protests cases through settlement, exceeding its performance goal of 50%. Settlement refers to those cases: (1) withdrawn by the protester/appellant; (2) jointly dismissed by the parties; or (3) dismissed after the District takes voluntary corrective action, including cancellation of the solicitation/award. The Board is in the process of reviewing its procedural rules, including those related to ADR, with a goal towards increasing overall ADR utilization.	On-going initiative (please see update).
Review And Update CAB's Technology Needs And Best Practices For Courtroom Database Management Software	The Board uses Worksite Server to store all litigation case records, and populates case data from WorkSite Server to the public website through FileSite. In addition, the Board accesses its e-file and serve program (File & ServeXpress) to obtain several basic types of reports (total motions, orders, dismissals etc.) filed within a defined period, total number of filings made in a particular case (e.g., Motions To Extend), and other metrics. However, the Board currently lacks the capacity to create recurrent Order templates, or to conduct management level queries of integrated datasets. In FY18 the Board will continue to work with OCTO and its internal IT Staff to engage in on-going assessment of the Board's technology needs that will assist in the tracking and the efficient, effective and fair disposition of its docket.	75-99%	The Board is continuing to work with OCTO, external vendors and its internal IT Staff to engage in on-going assessment of the Board's technology needs that will assist in the tracking and the efficient, effective and fair disposition of its docket.	On-going Board initiative