

# Contract Appeals Board FY2021

**Agency** Contract Appeals Board

**Agency Code** AFO

**Fiscal Year** 2021

**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).

## 2021 Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
1. For the seventh year in a row, the Board excelled in closing cases timely and knowledgeably, continuing to inspire public confidence that all Board matters are administered expeditiously and with sound expertise. For protest cases, that means the Board issued final decisions within 60 business days for 100% of the cases filed and resolved in FY21. (See DC Code § 2-360.08(d)). For appeals cases, that means the Board issued final decisions within three years of case filing, or 4 months of the case being ready for decision (whichever is sooner), in 100% of the appeals cases on the Board's docket. At the close of FY21, the Board did not have any pending cases that were more than 2 years old, and no pending protest cases that were more than 60 business days old.	Promotes confidence in the fairness and efficiency of the District's government contracts adjudication and resolution processes.	Promotes confidence in the fairness and efficiency of the District's government contracts adjudication and resolution processes.
2. The Board digitized a record-breaking 850,000 pages of legacy case records for ultimate upload to the CAB website where the public can review government contracts adjudicatory filings at its convenience. The records digitized in FY21 cover hundreds of cases filed at CAB prior to 1985. (Most CAB cases filed after 1985 are already displayed on the Board's website.) The digitization of archival case records is a multi-year effort, and the remaining approximately 577,000 pages of archival case records are scheduled to be digitized in FY22. In FY23, the Board proposes to upload the final 1.4 million pages of archival case records to the website in searchable format.	The Board's on-going technology initiatives and accomplishments promote transparency and aid in streamlining the Board's adjudication and supporting operations, thereby improving access to justice for the District of Columbia and its contracting communities.	The Board's on-going technology initiatives and accomplishments promote transparency and aid in streamlining the Board's adjudication and supporting operations, thereby improving access to justice for the District of Columbia and its contracting communities.
3. The Board reopened its office at 441 4th Street, NW (One Judiciary Square) on July 17, 2021, with a full complement of staff (following 16 months of closure due to the Covid-19 pandemic). Since reopening, the Board has implemented a hybrid telework/compressed hours policy which affords all staff partial telework or compressed schedules, while guaranteeing that CAB's public-facing operations are staffed daily onsite during business hours (9am-5pm).	The Board's efforts in being among the first independent DC agencies to reopen with a full complement of staff reinforce the District's dedication and commitment to excellence in serving its residents in particular, and the public contracting community as a whole. In addition, the Board's prompt implementation of an updated alternative work schedule policy has assisted staff in meeting both their professional and personal needs during the Covid-19 pandemic.	The Board's efforts in being among the first independent DC agencies to reopen with a full complement of staff reinforce the District's dedication and commitment to excellence in serving its residents in particular, and the public contracting community as a whole. In addition, the Board's prompt implementation of an updated alternative work schedule policy has assisted staff in meeting both their professional and personal needs during the Covid-19 pandemic.

## 2021 Key Performance Indicators

Measure	Frequency	FY 2019 Actual	FY 2020 Actual	FY 2021 Target	FY 2021 Quarter 1	FY 2021 Quarter 2	FY 2021 Quarter 3	FY 2021 Quarter 4	FY 2021 Actual	Was 2021 KPI Met?	Explanation For Unmet KPI
<b>1 - Increase public confidence in the DC procurement process through the efficient, effective and fair disposition of public contracting disputes. (4 Measures)</b>											
Percent of Protests resolved within 60 business days	Annually	100%	94.1%	95%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	
Percent of decisions sustained on appeal	Annually	100%	No Applicable Incidents	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	No applicable incidents		
Percent of Appeals resolved within 4 months of the cases being ready for decision	Annually	81.3%	92.9%	90%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	
Percent of pending Appeals that are three years old or less	Annually	100%	100%	90%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	
<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>											

Measure	Frequency	FY 2019 Actual	FY 2020 Actual	FY 2021 Target	FY 2021 Quarter 1	FY 2021 Quarter 2	FY 2021 Quarter 3	FY 2021 Quarter 4	FY 2021 Actual	Was 2021 KPI Met?	Explanation For Unmet KPI
Percent of cases resolved through settlement	Annually	55.6%	50%	50%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	40.91%	Unmet	No agency barrier. Settlement target is a function of the parties' litigation strategies in a particular case (i.e., settle the case or continue to litigate) rather than a Board-dictated litigation outcome.
<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>											
Percent of new cases using electronic filing system	Annually	100%	83.3%	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	91.18%	Nearly Met	No agency barrier. While most litigants before the Board utilize the FileandServeXpress electronic case management system, the Board permits litigants to file cases by mail or in-person so as to help ensure access to justice for all Board stakeholders.
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%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	

## 2021 Workload Measures

Measure	FY 2019 Actual	FY 2020 Actual	FY 2021 Quarter 1	FY 2021 Quarter 2	FY 2021 Quarter 3	FY 2021 Quarter 4	FY 2021 Actual
<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	35	24	Annual Measure	Annual Measure	Annual Measure	Annual Measure	34
Number of cases resolved	36	36	Annual Measure	Annual Measure	Annual Measure	Annual Measure	22
<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	35	24	Annual Measure	Annual Measure	Annual Measure	Annual Measure	34
Number of cases resolved through settlement/voluntary withdrawal	20	18	Annual Measure	Annual Measure	Annual Measure	Annual Measure	9
<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	0	0	Annual Measure	Annual Measure	Annual Measure	Annual Measure	1
Number of new cases filed and processed electronically	35	21	Annual Measure	Annual Measure	Annual Measure	Annual Measure	31
Number of documents filed in new cases	1376	2043	Annual Measure	Annual Measure	Annual Measure	Annual Measure	1574

## 2021 Operations

Operations Title	Operations Description	Type of Operations

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<b>1 - Increase public confidence in the DC procurement process through the efficient, effective and fair disposition of public contracting disputes. (1 Activity)</b>		
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
<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 Activity)</b>		
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
<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. (1 Activity)</b>		
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