

Contract Appeals Board FY2017

FY2017 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).

FY17 Top Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
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 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.	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.
From FY11 to FY17, parties filed 234,009 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 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.	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.
Since FY11, Board Judges have achieved a 73% net reduction in open cases on the Board's docket (open cases declined from 104 at the end of FY11 to 28 at the end of FY17). 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 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	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.

2017 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.**

2017 Key Performance Indicators

Measure	Freq	Target	Q1	Q2	Q3	Q4	FY 2017	KPI Status	Explanation
1 - Increase public confidence in the DC procurement process through the efficient, effective and fair disposition of public contracting disputes. (4 Measures)									
Percentage of Protests resolved within 60 business days	Annually	95%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	87%	Nearly Met	Target substantially met; agency focus on reducing historical case backlog as reflected in case aging target.
Percentage of appeals resolved within 4 months of the cases being ready for decision	Annually	90%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	80%	Unmet	Target substantially met; agency focus on reducing historical case backlog as reflected in case aging target.
Percentage of pending cases that are three years old or less	Annually	90%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	92.9%	Met	
Percentage of decisions sustained on appeal	Annually	100%	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)									
Percentage of cases resolved through settlement	Annually	30%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	48.4%	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)									
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.

2017 Workload Measures

Measure	Freq	Q1	Q2	Q3	Q4	FY 2017
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	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	48
Number of cases resolved	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	64
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	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	48
Number of cases resolved through settlement/voluntary withdrawal	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	31
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	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	64
Number of new cases filed and processed electronically	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	48
Number of documents filed in new cases	Annually	Annual Measure	Annual Measure	Annual Measure	Annual Measure	1933

2017 Strategic Initiatives

Title	Description	Complete to Date	Status Update	Explanation
ADJUDICATION (3 Strategic initiatives)				
Enchanting settlement and ADR capabilities	The Board seeks to build upon its existing commitment to the use of alternative dispute resolution by researching and developing a template for a “best in class” ADR program. In this regard, the Board intends 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 or “JAMS”.	Complete	In FY17, the Board resolved 48% of its dispute and protests cases through settlement. 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.	On-going initiative.
Improving case cycle-times	The Board’s case management requirements are that (1) Scheduling Orders be issued within 45 days of case filing; (2) that the Scheduling Orders include discovery and motions cut-off deadlines; and (3) that each Scheduling Order include a trial date within a specified period from the date of initial filing. In addition, Board judges manage their dockets each year to prioritize the closure of all cases that are three years (or more) old as a first priority, absent exigent circumstances. Docket meetings will be held to review progress.	Complete	In FY17, 93% of the Board’s pending case docket was three years old or less, exceeding its performance goal of 90%.	On-going initiative.
Digital archiving and uploading production goals	Development of digital archiving and uploading production goals and accompanying staff resource allocation plan in order to further the Board’s commitment to the prompt 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.	Complete	In FY17 100% of the cases closed by the Board were electronically archived to permit web-based retrieval and full-text searching capability. In addition, in FY17 100% of newly-filed cases utilized the Board’s electronic filing system.	On-going initiative.