

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD



MARC D. LOUD
CHIEF ADMINISTRATIVE JUDGE

February 15, 2013

Phil Mendelson, Chairman
Council of the District of Columbia & Committee of the Whole
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Chairman Mendelson:

In response to your letter dated January 30, 2013, please find the D.C. Contract Appeals Board's responses to the Committee of the Whole's performance oversight hearing questions. We appreciate being provided advance questions, and welcome any additional questions that the Committee may send.

Per your request, we have submitted both a hard copy and an electronic copy of our responses to the questions. Additionally, we have avoided the use of attachments per your instruction (unless specifically requested).

If you need to discuss any of the responses further, please contact me on 202-664-9641 or by email at marc.loud@dc.gov.

Sincerely,
A handwritten signature in black ink, appearing to read 'Marc D. Loud, Sr.', written over the word 'Sincerely'.

Marc D. Loud, Sr.
Chairman/Chief Administrative Judge
D.C. Contract Appeals Board

D.C. Contract Appeals Board/Performance Hearing Responses (3/15/13)

1. Please provide, as an attachment to your answers, a current organizational chart for your agency with the number of vacant and filled FTE's marked in each box. Include the names of all senior personnel, if applicable. Also include the effective date on the chart.

ANS: See Attachment 1.

2. Please provide, as an attachment, a Schedule A for your agency which identifies all employees by title/position, current salary fringe benefits, and program office as of January 28, 2013. This Schedule A should also indicate any vacant positions in the agency. Please do not include social security numbers.

ANS: See Attachment 2, Schedule A. CAB does not have any vacancies.

3. Please list all employees detailed to or from your agency, if any. For each employee identified, please provide the name of the agency to or from detailed, the reason for the detail, the date of the detail, and the employee's projected date of return.

ANS: Not applicable. There are no employees detailed to, or from, the CAB.

4. (a) For fiscal year 2012, please list each employee whose salary was \$110,000 or more. For each employee listed provide the name, position title, salary, and amount of any overtime and/or bonus pay.

(b) For fiscal year 2013, please list each employee whose salary is or was \$110,000 or more. For each employee listed provide the name, position title, salary, and amount of any overtime and/or bonus pay as the date of your response.

Year	Name	Position Title	Salary	Overtime/Bonus Pay
FY12				
	Marc D. Loud, Sr.	Chief Judge	\$150,000	Not applicable
	Monica C. Parchment	Administrative Judge	\$144,000	Not applicable
	Maxine E. McBean	Administrative Judge	\$144,000	Not applicable
	Richard K. Rothschild	General Counsel	\$103,075	Not applicable
FY13				
	Marc D. Loud, Sr.	Chief Judge	\$158,248	Not applicable
	Monica C. Parchment	Administrative Judge	\$156,065	Not applicable
	Maxine E. McBean	Administrative Judge	\$156,065	Not applicable
	Richard K. Rothschild	General Counsel	\$103,075	Not applicable
	Thane Tuller	Clerk of Court/Atty. Advisor	\$110,000	Not applicable

5. Please list in descending order the top 25 overtime earners in your agency for fiscal year 2012. For each, state the employee's name, position or title, salary, and aggregate overtime pay.

ANS: Not applicable. CAB employees did not receive any overtime pay in FY12.

6. For each fiscal year 2011, 2012, and 2013 (to date), please provide a list of employee bonuses or special award pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the

D.C. Contract Appeals Board/Performance Hearing Responses (3/15/13)

reason for the bonus or special pay.

ANS: Not applicable. CAB employees did not receive bonus or special award pay during FY11, FY12, or FY13 to date.

7. For each fiscal year 2011, 2012, and 2013 (to date), please state the total number of employees receiving worker's compensation payments.

ANS: Not applicable. CAB employees did not receive worker's compensation payments during FY11, FY12, or FY13 to date.

8. For fiscal years 2012, and 2013 (to date), please list in chronological order all intra-District transfers to or from the agency.

ANS: CAB did not have any intra-district transfers for the years requested.

9. Please list in chronological order, every reprogramming of funds into and out of the agency for fiscal years 2012 and 2013 (to date). Include a "bottom line" -that explains the revised final budget for your agency. For each reprogramming, list the reprogramming number, the date, the amount, and the rationale.

ANS: During FY13 to date, no funds have been reprogrammed to CAB. For FY12, the CAB "bottom-line" budget increased from \$796, 107 to \$796,157. Please see below for FY12:

Date	Agency	Fund	Amount	Purpose	Document Number
7/24/12	AEO	CSG 20, 40, 70	\$50,000	Upgrade agency computers, copier, external hard drives, courtroom equipment, printers, and database software used to export legacy case records to public website.	12-1056

10. For fiscal years 2012 and 2013 (to date), please identify any special purpose revenue funds maintained by, used by, or available for use by your agency. For each fund identified, provide: (1) the revenue source name and code; (2) the source of funding; (3) a description of the program that generates the funds; (4) the amount of funds generated annually by each source or program; and (5) expenditures of funds, including the purpose of each expenditure.

ANS: Not applicable.

11. Please list all memoranda of understanding (MOU) entered into by your agency during fiscal years 2011, 2012, and 2013 (to date). For each, describe its purpose, indicate the date entered, and give the termination date.

D.C. Contract Appeals Board/Performance Hearing Responses (3/15/13)

Agency	Date Entered	Termination	Purpose
DDOE	9/4/11	Renews annually upon option exercise. FY13 renewal pending final approval.	The MOU grants CAB jurisdiction to respecting all protests/appeals arising out of DDOE's contracts with the Sustainable Energy Utility contractor and Energy Efficiency Financing Act administrator.

12. In order to help the Committee understand agency needs, and the cost of those needs for your agency, please provide as an attachment to your answers all budget enhancement requests (sometimes called a "Form B") submitted by your agency to the Mayor or Chief Financial Officer as part of the budget process for fiscal years 2011, 2012, and 2013.

ANS: CAB did not seek budget enhancements in FY2011 and FY2012. The CAB budget enhancement request for FY2013 is appended hereto as Attachment 3.

13. Please list each grant or sub-grant received by your agency in fiscal year 2012 and fiscal year 2013 (to date). List the date, amount, and purpose of the grant or sub-grant received, and explain how the grant is allocated if it is multi-year.

ANS: Not applicable.

14. Please list all currently open capital projects for your agency as of January 28, 2013, including those projects that are managed or overseen by another agency or entity. Include a brief description of each, the total estimated cost, expenditures to date, the start and completion dates, and the current status of the project. Also, indicate which projects are experiencing delays and which require additional funding.

ANS: Not applicable.

15. Please list all pending lawsuits that name your agency as a party. Please identify which cases on the list are lawsuits that potentially expose the city to significant liability in terms of money and/or change in practices. The Committee is not asking for your judgment as to the city's liability; rather, we are asking about the extent of the claim. For those claims identified, please include an explanation about the issues for each case.

ANS: CAB has no cases to which we are a party in a lawsuit regarding CAB liability. However, three appeals from CAB final protest decisions are pending in D.C. Courts which name CAB as the defendant: CII Title (P-0899), Morpho Trust (P-0924), Verifone/Ridecharge et al. (P-0920/0921 CONS.)

16. (a) Please list and describe any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed at any time since October 1, 2010.

ANS: As CAB's then newly appointed Chairperson, current Chief Judge Loud completed a "First 100 Days Report" on CAB operations/priorities in January 2011. A copy of the report can be provided upon request (hard copy or e-format).

D.C. Contract Appeals Board/Performance Hearing Responses (3/15/13)

(b) Please list and describe any ongoing investigations, audits, or reports of your agency or any employee of your agency.

ANS: Not applicable.

17. Please list in chronological order all employee grievances filed against your agency in fiscal year 2012 and fiscal year 2013 (to date). Also, list any earlier grievance that is still pending in any judicial forum. For each, give a brief description of the matter as well as the current status.

ANS: Not applicable.

18. In table format, please list the following for fiscal years 2011, 2012, and 2013 (to date) regarding the agency's use of SmartPay (credit) cards for agency purchases: (1) individuals (by name and title/position) authorized to use the cards; (2) purchase limits (per person, per day, etc.); (3) total spent (by person and for the agency).

	Authorized Cardholder	Transaction Limit	Daily Limit	Total Annual Expenditure	Comments
FY11	Richard Rothschild	\$2,500	\$2,500	\$31,477.72	Rothschild is the agency General Counsel.
FY12	Richard Rothschild	\$2,500	\$2,500	\$57,743.51	Due to a reprogramming of \$50,000; the authorized cardholder's transaction and daily spending limits were increased to \$5,000 from 7/13/12 to 9/20/12.
FY13 (2/1/13)	Richard Rothschild	\$2,500	\$2,500	\$5,648	

19. (a) In table format, please provide the following information for fiscal years 2011, 2012, and 2013 (to date), regarding your agency's use of cellular phones and mobile devices:

(1) individuals (by name and title/position) authorized to carry and use such devices; (2) total annual expense (FY) for each individual's use; and (3) justification for such use (per person). If the list is more than one page in length, you may provide it as an attachment.

(b) Please describe how your agency manages and limits its phone costs, including cellular phones and mobile devices?

ANS: All CAB cellular and mobile device usage requires approval by the Chief Administrative Judge. Monthly bills are monitored for cost and any concerns are addressed at monthly staff meetings.

D.C. Contract Appeals Board/Performance Hearing Responses (3/15/13)

User	FY11 Costs	FY12 Costs	FY13 Costs	Justification
Marc D. Loud/Chief Judge	704.36	853.69	232.76	Critical Contact
Monica C. Parchment/Judge	590.26	696.54	228.58	Critical Contact
Maxine E. McBean/Judge	n/a	892.80	1042.80	Critical Contact
Thane Tuller/Clerk of Court-Attorney	n/a	n/a	269.34	Critical Contact
Mia House-Thomas/Appeals Clerk	635.63	650.83	415.32	Critical Contact
Al Wilcox/Protest Clerk-IT Support	635.63	650.83	214.33	Critical Contact
Jessie Hernandez/Program Support-Paralegal	n/a	n/a	n/a	Critical Contact

20. (a) Does your agency have or use a government vehicle? If so, for fiscal years 2011, 2012, and 2013 (to date), please list these vehicles. You may group the vehicles by category (e.g., 15 engines, 33 marked cruisers, three transport buses, etc.).

ANS: Not applicable.

(b) Please list all vehicle accidents involving your agency's vehicles for fiscal years 2011, 2012, and 2013 (to date). Provide: (1) a brief description of each accident; (2) the type of vehicle involved; (3) the justification for using such vehicle; (4) the name and title/position of the driver involved; and (5) whether there was a finding of fault and, if so, who was determined to be at fault.

ANS: Not applicable.

21. (a) D.C. Law prohibits chauffeurs, take-home vehicles, and the use of SUYs (see D.C. Code §§ 50-203 and 50-204). Is your agency in compliance with this law? Please explain any exceptions.

ANS: The CAB is in compliance with the stated provision.

(b) If there are exceptions, please provide the following: (1) type of vehicle (make, model, year); (2) individuals (name/position) authorized to have the vehicle; (3) jurisdictional residence of the individual (e.g., Bowie, MD); and (4) justification for the chauffer or take-home status.

ANS: Not applicable.

22. In table format, please provide the following information for fiscal years 2011, 2012, and 2013 (to date) regarding your agency's authorization of employee travel: (1) individuals (by name and title/position) authorized to travel outside the District; (2) total expense for each trip (per person, per trip, etc.); and (3) justification for the travel (per person).

ANS: Not applicable. CAB did not authorize travel outside the District to any staff during FY11, FY12, and FY13 to date. CAB policy encourages professional development through Westlaw online training courses (Judges and staff), and government contract workshops sponsored locally by industry leaders Federal Publications, the Board of Contract Appeals Judges Association (BCAJA), the Board of Contract Appeals Bar Association (BCABA), the American Bar Association, Contract Claims Committee, and the D.C. Bar, Government Contracts Section. To the extent that out of town professional development

D.C. Contract Appeals Board/Performance Hearing Responses (3/15/13)

training is undertaken in the future, the Board will supplement its response to this question. The table below lists recent training undertaken by Board Judges (an asterisk indicates that one or more CAB Judges served on a workshop panel):

Organization	Date	Location	Subject
*BCABA	10/24/12	Washington, DC	Managing The Big Case
BCAJA	4 /18/12	Alexandria, VA	Hot Issues In Government Contracting
*BCAJA	1/19/12	Alexandria, VA	Electronic Filing At Federal & Local Appeals Boards
BCABA	10/26/11	Washington, DC	Annual Trends In Gov't Contracting
Nat'l Judicial College	9/27/11	Washington, DC	Judicial Ethics, Quality Written Decisions, Decision-Making, ADR, Bias/Impartiality
*ABA, Contract Claims Committee	6/8/11	Washington, DC	"Ask The Judge" Luncheon
*BCAJA	4/6/11	Washington DC	Practice Pointers/Annual Seminar
Federal Publications	10/4/10	Washington DC	Bid Protest Practice/Procedure
DC Bar Continuing Legal Ed	9/7/10	Washington DC	Mastering Evidence Rules

23. Please provide and itemize, as of January 28, 2013, the current number of WAE, term and contract personnel within your agency. If your agency employs WAE or term personnel, please provide, in table format, the name of each employee, position title, the length of his or her term, the date on which they first started with your agency, and the date on which their current term expires.

ANS: CAB does not have any WAE or contract personnel. CAB has one term employee as follows:

Name	Position Title	Length of Term	Start Date	Term Expiration Date
Jessie Hernandez	Program Support/Paralegal	One Year	January 28, 2013	January 24, 2014

24. Please provide, as an attachment, a copy of your agency's current annual performance plan as submitted to the Office of the City Administrator.

ANS: See Attachment 4.

25. What are your top five priorities for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in fiscal years 2013 and 2014.

D.C. Contract Appeals Board Top Five Priorities

- 1. Issuance of Final Board Decisions by December 31, 2013, in all APPEAL cases filed in 2010 or earlier. (Accomplishment by the target date will both eliminate CAB’s historic *appeals* case backlog, AND prevent recently filed cases from becoming backlogged.)**
- 2. Sustain (or increase) CAB’s 90% Performance Rate for Closing PROTESTS Within 60 Days of Filing.**
- 3. Complete the Digital Archiving and Uploading of all Previously Decided CAB Cases.**
- 4. Review Best Practice Options For Expansion of CAB’s Case Management Database.**
- 5. Sustain Operational Efficiencies Initiated in FY11 to Promote Expeditious Case Disposition.**

ISSUANCE OF FINAL BOARD DECISIONS IN ALL APPEAL CASES FILED IN 2010 OR EARLIER.

The Board’s three recently appointed judges inherited a CAB appeals backlog that developed during the critical period FY2006-2010. During that period, the CAB experienced a 98% cumulative increase in new appeals case filings, and received over 13,000 filings in open cases. Unfortunately, the Board’s judge personnel declined from three to two during the same period. By the time a third judge was added to CAB near the beginning of FY11, approximately 50% of the appeals docket had become either dormant or aged (42/85). The yellow highlighted section of the table below tracks the appeals workflow increase from FY06-FY10, the total number of Judges on the Board, and the corresponding increase in the average number of cases assigned to each Judge. Per the table, each Judge’s annual caseload rose from 64.5 in FY06 to 82 in FY10.

D.C. Contract Appeals Board/Performance Hearing Responses (3/15/13)

	Appeals Filed	%+ FY06	# of CAB Judges	Total # Cases	Average # Cases Assigned To Each Judge As Presiding Judge
FY05	35	n/a	3	101A/127	42 (including 34)
FY06	14	n/a	2	88A/129	64.5 (including 44 appeals)
FY07	22	60%	2	88A/116	58 (including 44 appeals)
FY08	30	120%	2	102A/129	64.5 (including 51 appeals)
FY09	23	63%	2	105A/154	77 (including 53 appeals)
FY10	35	150%	2	113A/164	82 (including 57 appeals)
FY11	26	n/a	1 (12 months) 1 (Oct.-Dec. 2010) 1 (Oct. '10-June '11) 1 (May '11-Sept. '11) 1 (July '11-Sept. '11)	118A/163	<u>N/A</u> : (During FY11, the Mayor and Council replaced former Board Judges and appointed the 3 current Judges. Because of staggered appointments, only one Judge served a full 12 months in FY11. It would be misleading to identify an "average case per Judge" metric, therefore, because most Judges served in various increments of less than one year.)
FY12	23	n/a	3	105A/154	35/51
FY13	7 (YTD)	n/a	3	93A/114	31/38

Since appointment, the current CAB Judges have worked continuously to eliminate the inherited backlog, and to prevent recently filed cases from producing a second generation backlog. As the green highlighted section of the above table demonstrates, CAB reduced the total number of cases reviewed annually from 163 in FY11 to 114 in FY13 (to date). During that same period, CAB reduced the total number of appeals cases reviewed annually from 118 in FY11, to 93 in FY13 (to date).

Moreover, the Board has eliminated all dormant cases and reduced the inherited backlog by 50% (21/42). Additionally, the Board completed 27 trials during FY12 (and FY13 to date) in aged and recent cases, positioning these cases for final disposition during CY13. As a result, the Board anticipates issuing decisions in 43 cases by the end of CY13 covering both aged and recently filed cases. Once decisions are issued, the CAB will have no aged cases on the docket for the first time in several years. It is the Board's singular intention that this objective will be met by the end of CY2013. In order to achieve the Board's goal, the following actions have been taken:

- All Judges, staff Attorneys, law clerks, and support staff were briefed at a staff meeting in November 2012 regarding the goal of issuing 43 written decisions during CY13. Each Judge was given his/her list of cases to complete during the year. Docket meetings are held monthly to review progress.
- To support Judges better, CAB has hired an attorney with significant government contracts experience for the vacant FTE Clerk of Court position. The recently hired attorney will provide senior level research/writing support directly to Judges with an emphasis on completing decision drafts in priority cases. Once the CY13 goal of issuing 43 decisions is achieved, the recent hire will transition into greater Clerk of Court duties, while continuing to provide legal expertise to Judges.
- To support Judges better, the CAB's current General Counsel's duties will shift. Effective October 1,

2012, the General Counsel will serve exclusively as Motions Counsel, and provide direct legal support to Judges by drafting Scheduling Orders, Pretrial Orders, Post Hearing Orders and screening all new cases for jurisdictional compliance. All non-legal duties performed by the General Counsel were recently transferred to CAB's newly hired FTE paralegal/program support clerk (e.g. Law Clerk program, Liaison to Westlaw, Website updates, Pending Motions report, etc.)

- To support Judges better, CAB's law clerk program with George Washington University Law School expanded in FY12. CAB now has the capacity to simultaneously house up to 3 clerks per Judge in the law clerk "bullpen". In FY12 (and FY13 to date), CAB had a total of 10 law clerks on a rotating basis (9 of whom were provided by GW Law School). The provision of law clerks to each judge will enhance capacity to sustain efficient case management practices in existing and newly filed cases.
- To support Judges better, CAB will continue offering predictive outcome case evaluations where appropriate. Successful predictive outcome evaluations reduce the burden on Judges to issue written decisions. Under predictive outcome evaluation, Judges communicate likely case outcomes with parties prior to issuing written decisions through telephone or in-court conferences. During FY12, CAB successfully used this approach to resolve several pending protest cases. CAB will continue to identify cases that show promise for predictive outcome resolution.

SUSTAIN (OR INCREASE) CAB's 90% COMPLIANCE RATE FOR CLOSING PROTEST CASES WITHIN 60 DAYS OF FILING.

Although protest cases constitute 9% of the total CAB docket (8/94), delays in resolution can hinder prompt delivery of vital government services. For this reason, CAB has always prioritized closing protest cases within 60 days of filing. Additionally, CAB is under a statutory mandate to do so. D.C. Code § 360.08(d). During FY12 (and FY13 to date), CAB closed 90% of all protest cases within the required 60 day mandate. The Board will continue to increase performance in this area until 100% compliance is reached.

An analysis undertaken by the Board in FY12 showed that one factor correlates significantly to whether a Board decision will issue within 60 days of filing: motions practice (including Motions to Extend). The analysis showed that in 80% of the protest cases concluded timely (i.e., 60 days), the parties did not file *any* motions. However, in 100% of the protest cases that were not completed timely, the parties filed an average of 4 motions per case (including very significantly, motions to extend various deadlines). To improve upon the Board's 90% compliance rate in timely protest decisions, the Board will rely upon the resources (two FTE attorneys/volunteer law clerks), strategies (increased use of predictive outcome evaluations), and staffing shifts use of the present General Counsel as Motions/Screening counsel.

CONTINUE THE MISSION OF DISPLAYING ALL CAB CASE RECORDS ON THE PUBLIC WEBSITE, INCLUDING FULL DIGITAL CONVERSION OF CAB LEGACY FILES.

Display of Current Case Files on Public Website. Based on five year data (FY08-FY12), there are over 2,500 (electronic) filings made annually by parties before the Board (constituting over 30,000 pages of annual material). In FY12, 2,463 (electronic) filings were made with the Board totaling 38,392 pages of material. One of CAB's top priorities is to ensure that all filings made in open cases are uploaded to the public website within three days of filing. The purpose of this task is to ensure that the Board's website contains all Board decisions and party pleadings. In order to achieve compliance, the Board's Appeals Clerk and Protest Clerk are tasked with uploading all new case filings within 3 days of filing. Clerks prepare a monthly "uploads" report,

which is reviewed at staff meetings.

Legacy Files. From inception to the present, CAB has issued decisions in a total of 2,396 cases. At present, CAB has uploaded 1,157 (of 2,396) case files to the public website. CAB has uploaded all cases from 1992-2013. One of CAB's top priorities is to ensure that the remaining 1,239 pre-1992 case files are uploaded. Of the remaining legacy files, 113 have been digitized and are ready for upload. The remaining 1126 legacy files are hard copy. During FY13, CAB will use existing staff to the degree possible, and an area student for continued scanning, conversion, and document upload.

REVIEW BEST PRACTICE OPTIONS FOR EXPANSION OF CAB'S CASE MANAGEMENT DATABASE.

CAB uses WorkSite Server to store all litigation case records, and populates case data from WorkSite Server to the public website through FileSite. In addition, CAB accesses our e-file and serve program to obtain several basic types of reports (total motions (orders, dismissals, etc.) filed within a defined period, total number or type of filings made in a particular case (e.g. Motions To Extend), etc. However, CAB lacks the capacity to create recurrent Order templates, or to conduct management level queries of integrated data-sets. For example, the data appearing under Priority #1 above was obtained manually through the review and compilation of information appearing in several disparate CAB reports.

One of CAB's top priorities is to review best practice options for acquiring a relational database suitable for our needs. CAB has met with the Office of Administrative Hearings (in FY11) to review its database solutions, and has conducted outreach to the D.C. Bar to review its solution. CAB found OAH's case management database admirable but cost prohibitive (over \$300,000 in acquisition costs plus an additional \$92,000 in annual licensing fees). CAB was not able to make significant headway with outreach to the D.C. Bar. Due to an historic shortage of staff resources (historically 6 FTEs), CAB has not been able to sustain efforts to review various options. However, CAB intends to utilize its recently hired Paralegal/Program Support FTE to resume preliminary information gathering from the D.C. Bar, the federal Board of Contract Appeals, and the Public Employees Relations Board. CAB intends to complete information gathering during FY13, and develop a preliminary workplan around this initiative in FY14. The Board anticipates requesting budget support for an expanded database capacity as part of the FY15 budget cycle.

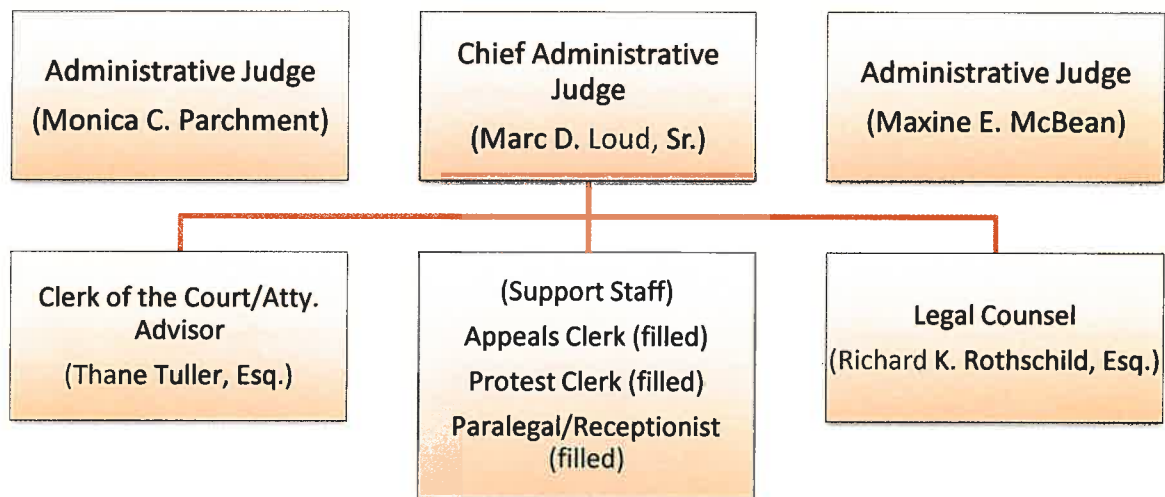
SUSTAIN OPERATIONAL EFFICIENCIES INITIATED IN FY11 TO PROMOTE EXPEDITIOUS DISPOSITION (RECURTURALIZATION).

In order to address the inherited appeals backlog it assumed in FY11, CAB initiated several practices to increase case regulation, time cycles, and prospects for mediation. Specifically, CAB policy now requires that (1) Scheduling Orders be issued within 45 days of case filing, (2) that the Scheduling Orders include discovery and motions cut-off deadlines, (3) and that each Scheduling Order include a trial date. Thus, since FY2011 parties filing new appeals cases have faced rigorous case management from inception. In addition, the Board instituted a practice in FY11 of using the pretrial hearing in each case as a forum to discuss concrete steps taken toward, and obstacles preventing, settlement. The Board will continue these practices. The General Counsel is tasked with ensuring that the above policies are implemented in each case. Moreover, the Board reviews the status of the above tasks at monthly docket meetings. For FY12 and FY13 (to date), the Board has issued Scheduling Orders for 28 cases.



D.C. Contract Appeals Board Organization Chart

(Effective January 28, 2013)(The CAB does not have any vacancies.)
Prepared By: Marc D. Loud, Sr./Chairman and Chief Administrative Judge



ATTACHMENT 2
(Schedule A)



	Title	Name	Vac Stat	Salary	Fringe	Gross Pay	Department Name
1	ADMIN JUDGE	Parchment, Monica	F	\$156,065	\$30,417.07	\$186,482	Adjudication
2	CHIEF ADMIN JUDGE	Loud, Marc D.	F	\$158,248	\$30,842.54	\$189,091	Performance Mgmt
3	General Counsel	Rothschild, Richard	F	\$103,075	\$20,089.32	\$123,164	Adjudication
4	ADMIN JUDGE	McBean, Maxine E.	F	\$156,065	\$30,417.07	\$186,482	Adjudication
5	Staff Assistant	House Thomas, Mia	F	\$58,630	\$11,426.99	\$70,057	Adjudication
6	Administrative Officer	Wilcox, Albert L.	F	\$58,630	\$11,426.99	\$70,057	Adjudication
7	Clerk of Court	Tuttle, Thane	F	\$110,000	\$21,439.00	\$131,439	Adjudication
8	Program Support Asst.	Hernandez, Jessie	F	\$38,115	\$7,428.61	\$45,544	Adjudication
				\$838,828	\$163,487.58	\$1,002,316	



CAB Budget Enhancement Requests FY2011-2013		
Budget Enhancement Requests	Budget	Policy Initiative
Fiscal Year 2013		
AFO	\$28,196	Pay Equity Adjustment
AFO	\$8,248	Pay Equity Adjustment
AFO	\$190,000	2 FTEs to increase the operational efficiency
AFO	\$14,000	Equipment and Necessary software upgrades
Grand Total	\$240,444	



**FY2013 PERFORMANCE PLAN
District of Columbia Contract Appeals Board**

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.

OBJECTIVE 1: Promote public confidence in the integrity of the procurement process through equitable, timely, efficient, and legally correct adjudication of disputes and protests.

INITIATIVE 1.1: Continue significant reductions to the number of open appeal cases that are 4 years or older by September 2013.

The CAB will continue to expedite disposition of older cases. Since August 2010, CAB has eliminated 50% of the aged appeal cases (data current through July 30, 2012). We project that 80% of the remaining aged cases will be resolved by trial or settlement in FY2013. The remaining aged cases will be tried during the latter part of FY13, and written decisions will issue in early FY14.

INITIATIVE 1.2: Complete digital archiving and loading into the database of all cases decided since 1992 and permit web-based retrieval and full-text searching capability by the parties with pending cases and the public.

Digital archiving provides for better preservation and retrieval than paper records. Once digitized, the Board's case files can be imported into its document management system and database. The database is linked to the Board's public website which contains a series of searching options for users, such as searching documents by case number and full-text searching. This functionality is very useful for litigants who have cases pending before the Board and for the contracting community and the public who wish to find case-specific information or general information about contract administration, contract formation, and protest and dispute resolution.

INITIATIVE 1.3: Improve the features for electronic filing and service of pleadings in Board cases.

The Board will continue working with its electronic filing service provider to improve the features available to litigants, including securing and redacting protected information in



filings, improving the procedures for initiating electronically new cases, and improving the user interface to reduce filing errors and to make the electronic filing process faster and more functional. The Board expects to perform this initiative without additional cost to the District government. Additionally, the Board will work with our service provider to automate the tracking of types of cases filed and case disposition reports (also at no cost).

OBJECTIVE 2: Enhance the Board’s ability to efficiently and inexpensively manage and adjudicate cases.

INITIATIVE 2.1: Expand and improve law student intern program.

Expeditious case disposition, including pretrial case management in appeal cases, requires meticulous attention to detail in tracking all pleadings, researching case precedent, and drafting memoranda, orders and opinions. CAB receives an average of 2,644 filings per year in open cases, and CAB Judges review over 25,000 pages annually. In this regard, the Board and the George Washington University Law School established a voluntary multi-year Law Clerk program on June 21, 2011. The program will continue in FY13, and provides each CAB Judge with one or more current GW Law students or recent law graduates for a range of 20-35 hours weekly. In FY13, five Law Clerks have accepted volunteer positions with CAB.

OBJECTIVE 3: Educate government and private contracting parties on resolving disputes through traditional and alternative dispute resolution methods.

INITIATIVE 3.1: Meet with stakeholders to promote ADR methods.

In FY2013 the CAB (through Board members or other appropriate personnel) will educate stakeholders on mediation and other ADR opportunities. At the inception of each case, CAB encourages mediation/settlement through Scheduling Orders. Further, the Presiding Judge in each case encourages mediation/settlement at the pretrial conference in each case. The Board will continue to build upon its capacity to offer meaningful settlement/mediation opportunities to litigants.

KEY PERFORMANCE INDICATORS

Measures	FY 2011 Actual	FY 2012 Target	FY 2012 Actual	FY 2013 Projection	FY 2014 Projection	FY 2015 Projection
Percent of protests resolved within 60 business days.	75.68%	90%	89%	90%	90%	95%
Percentage of appeals cases decided within 4 months of the cases being ready for decision.	86.67%	90%	91%	90%	90%	95%
Percentage of new cases using electronic filing system.	100%	100%	100%	100%	100%	100%
Percentage of decisions sustained on appeal	N/A	100%	100%	100%	100%	100%
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.	100%	95%	100%	100%	100%	100%