

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CONTRACT APPEALS BOARD



MARC D. LOUD, SR.  
CHIEF ADMINISTRATIVE JUDGE

February 3, 2014

The Honorable Phil Mendelson, Chairman  
Council of the District of Columbia/Committee of the Whole  
1350 Pennsylvania Avenue, NW., Suite 504  
Washington, D.C. 20004

Dear Chairman Mendelson:

Please find herein the D.C. Contract Appeals Board's responses to the questions submitted electronically by the Committee of the Whole on January 15, 2014. Per your request, the Board has submitted electronic and hard copy responses. As requested, the Board has avoided the use of attachments unless specifically requested. Please contact me by email or telephone (202-727-6597) if I may be of additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc D. Loud, Sr.", written over a circular scribble.

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



## D.C. Contract Appeals Board

### Responses to the COW Performance Hearing Questions

### February 3, 2014

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

**ANS: See Attachment A.**

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 13, 2014. The Schedule A should also indicate any vacant positions in the agency. Please do not include social security numbers.

**ANS: See Attachment B.**

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

**ANS: N/A**

- 4 (a) For fiscal year 2013, 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 2014, 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 of the date of your response.

**ANS: The Table below is responsive to subparts (a) and (b):**

Year	Name	Position Title	Salary	Overtime/Bonus Pay
<b>*FY13</b>				
	Marc D. Loud, Sr.	Chief Judge	\$162,995	Not applicable
	Monica C. Parchment	Administrative Judge	\$160,746	Not applicable
	Maxine E. McBean	Administrative Judge	\$160,746	Not applicable
	Thane Tuller	Clerk of Court/Atty. Advisor	\$113,300	Not applicable
<b>FY14</b>				
	Marc D. Loud, Sr.	Chief Judge	\$162,995	Not applicable
	Monica C. Parchment	Administrative Judge	\$160,746	Not applicable
	Maxine E. McBean	Administrative Judge	\$160,746	Not applicable
	Thane Tuller	Clerk of Court/Atty. Advisor	\$113,300	Not applicable

(\* FY13 Salaries noted above reflect a 3% pay raise instituted for all District employees in April 2013.)

5. Please list, in descending order, the top 25 overtime earners in your agency for fiscal year 2013. For each, state the employee's name, position or title, salary, and aggregate overtime pay.

**ANS: N/A.**

6. For fiscal years 2012, 2013, and 2014 (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 reason for the bonus or special pay.

ANS: N/A.

7. For fiscal years 2012, 2013, and 2014 (to date), please state the total number of employees receiving worker's compensation payments.

ANS: N/A.

8. For fiscal years 2013 and 2014 (to date), please list, in chronological order, all intraDistrict transfers to or from the agency.

ANS: N/A.

9. Please list, in chronological order, every reprogramming of funds into and out of the agency for fiscal years 2013 and 2014 (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: N/A.

10. For fiscal years 2013 and 2014 (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: N/A.

11. Please list all memoranda of understanding (MOU) entered into by your agency during fiscal years 2012, 2013, and 2014 (to date). For each, describe its purpose, indicate the date entered, and provide the actual or anticipated termination date.

**ANS: N/A. The Board is currently negotiating an agreement with the District Department of Energy to provide adjudication services for its protests and appeals. The Board expects this MOU to be executed during the second quarter of FY14.**

12. D.C. Law requires the Mayor and the Chief Financial Officer to submit to the Council, simultaneously with a proposed budget submission, actual copies of all agency budget enhancements requests, including the "Form B" for all District agencies (See D.C. Code § 47-318.05a). 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 submitted by your agency to the Mayor or Chief Financial Officer as part of the budget process for fiscal years 2012, 2013, and 2014.

**ANS: CAB did not submit budget enhancement requests in FY12, FY13 and FY14 to date.**

13. Please list each grant or sub-grant received by your agency in fiscal years 2013 and 2014 (to date). List the date, amount, purpose of the grant or sub-grant received, and explain how the grant is allocated if it is a multi-year grant.

ANS: N/A.

14. Please list all currently open capital projects for your agency as of January 13, 2014, 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: N/A.

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: N/A.

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, 2011.

ANS: N/A.

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

ANS: N/A.

17. Please list, in chronological order, all employee grievances filed against your agency in fiscal years 2013 and 2014 (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: N/A.

18. In table format, please list the following for fiscal years 2012, 2013, and 2014 (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.); and (3) total spent (by person and for the agency).

	Authorized Cardholder	Transaction Limit	Daily Limit	Total Annual Expenditure	Comments
FY12	Richard Rothschild (General Counsel)	\$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	Richard Rothschild	\$2,500	\$2,500	\$41,184.98	
FY14	Richard Rothschild	\$2,500	\$2,500	\$4,533.69	Current through January 17, 2014.

19. (a) In table format, please provide the following information for fiscal years 2012, 2013, and 2014 (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.

User	FY12 Costs	FY13 Costs	FY14 Costs	Justification
Marc D. Loud/Chief Judge	853.69	697.52	114.02	Critical Contact
Monica C. Parchment/Judge	696.54	684.45	114.02	Critical Contact
Maxine E. McBean/Judge	892.80	2218.80	194.00	Critical Contact
Thane Tuttle/Clerk of Court-Attorney	n/a	805.16	107.02	Critical Contact
Mia House-Thomas/Appeals Clerk	650.83	843.44	107.02	Critical Contact
Al Wilcox/Protest Clerk-IT Support	650.83	642.45	107.02	Critical Contact
Jessie Hernandez/Program Support	n/a	555.93	114.02	Critical Contact

(b) Please describe how your agency manages and limits its mobile, voice, and data costs, including cellular phones and mobile devices.

**ANS: The CAB Chief Judge is informed if any CAB employee exceeds the monthly usage ceiling by the CAB Agency Telecommunications Coordinator (ATC). For the years in question (FY12, FY13, FY14 to date), the Board has been in compliance with monthly plan usage fees.**

20. (a) Does your agency have or use a government vehicle? If so, for fiscal years 2012, 2013, and 2014 (to date), please list these vehicles. You may group the vehicles by category (e.g., 15 sedans, 33 pick-up trucks, three transport buses, etc.).

(b) Please list all vehicle accidents involving your agency's vehicles for fiscal years 2012, 2013, and 2014 (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: The CAB does not have or use government vehicles.**

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

(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 chauffeur or take-home status.

**ANS: The CAB does not use chauffeurs, does not have or use government vehicles, and is in compliance with the law.**

22. In table format, please provide the following information for fiscal years 2012, 2013, and 2014 (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: For the years requested (FY12, FY13, FY14), CAB has not authorized employee travel. CAB policy encourages professional development through Westlaw online training courses (Judges and staff), and locally sponsored government contract workshops (e.g., 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, the D.C. Bar, CLE Programs, and the D.C. Bar, Government Contracts Section). To the extent that out of town professional development training is undertaken in the future, the Board will supplement its response to this question. The table below lists training undertaken by current Board Judges since August 2010 (an asterisk indicates that one or more CAB Judges served on a workshop panel):**

<b>Organization</b>	<b>Date</b>	<b>Location</b>	<b>Subject</b>
<b>*BCAJA</b>	<b>1/19/14</b>	<b>Washington, DC</b>	<b>Update On Electronic Filing At Federal &amp; Local Contract Appeals Boards</b>
<b>*BCABA</b>	<b>12/18/13</b>	<b>Washington, DC</b>	<b>ADR in Government Contract Cases</b>
<b>*BCAJA</b>	<b>7/18/13</b>	<b>Washington, DC</b>	<b>Procurement Litigation Pointers</b>
<b>*DC Bar/Admin. Law Section</b>	<b>7/17/13</b>	<b>Washington, DC</b>	<b>Practicing Before Administrative Tribunals</b>
<b>BCAJA</b>	<b>4/25/13</b>	<b>Washington, DC</b>	<b>2013 Government Contracts Practice Update</b>
<b>*BCABA</b>	<b>10/24/12</b>	<b>Washington, DC</b>	<b>Managing The Big Case</b>
<b>BCAJA</b>	<b>4 /18/12</b>	<b>Alexandria, VA</b>	<b>Hot Issues In Government Contracting</b>
<b>*BCAJA</b>	<b>1/19/12</b>	<b>Alexandria, VA</b>	<b>Electronic Filing At Federal &amp; Local Appeals Boards</b>
<b>BCABA</b>	<b>10/26/11</b>	<b>Washington, DC</b>	<b>Annual Trends In Government Contracting</b>
<b>Nat'l Judicial College</b>	<b>9/27/11</b>	<b>Washington, DC</b>	<b>Judicial Ethics, Quality Written Decisions, Decision-Making, ADR, Bias/Impartiality</b>
<b>*ABA, Contract Claims Committee</b>	<b>6/8/11</b>	<b>Washington, DC</b>	<b>"Ask The Judge" Luncheon</b>
<b>*BCAJA</b>	<b>4/6/11</b>	<b>Washington, DC</b>	<b>Practice Pointers/Annual Seminar</b>
<b>Federal Publications</b>	<b>10/4/10</b>	<b>Washington, DC</b>	<b>Bid Protest Practice/Procedures</b>
<b>DC Bar Continuing Legal Ed</b>	<b>9/7/10</b>	<b>Washington, DC</b>	<b>Mastering Evidence Rules</b>

23. Please provide and itemize, as of January 18, 2014, the current number of When Actually Employed (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 he or she first started with your agency, and the date on which his or her current term expires.

**ANS: N/A.**

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 C.**

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 2014 and 2015.

## D.C. Contract Appeals Board FY14/15 Top Five Priorities

1. **Resolve (by written Decision or otherwise) All APPEAL Cases Filed in 2011 or Earlier.**  
(Accomplishment of this objective will both eliminate CAB's historic legacy backlog in *appeals* cases, AND prevent cases filed in 2011 from becoming backlogged.)
2. **Sustain/Increase CAB's 96% Performance Rate for Closing PROTEST Cases 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.**

### RESOLVE ALL APPEALS CASES FILED IN 2011 OR EARLIER.

The Board's caseload consists largely of two distinct types of cases: *protests* (i.e., adversarial proceedings wherein a disappointed bidder challenges a contract award or solicitation) AND *appeals* (i.e., adversarial proceedings wherein either the government or a contractor **under an existing contract** initiate a lawsuit for damages asserting a breach of contract performance and/or payment). For purposes of clarity, the instant section regarding legacy backlogs, etc. applies to the Board's *appeals* docket only. The Board does not have a backlog in its protest docket (see separate discussion below wherein 96% of all protests are resolved within 60 days.)

The three recently appointed CAB Judges inherited an appeals backlog that developed during the critical period FY2006-2010. During the referenced five-year period, the number of Board Judges declined from three to two, while the number of appeals cases filed with the Board increased by 98%. The two Judges serving CAB between FY06-FY10 saw their personal dockets increase from 42 appeals cases each in FY05 (the final year that the Board had three Judges) to 82 appeals cases each in FY10. During the same period, parties in pending cases before the Board filed over 13,000 pleadings and other materials (e.g. Evaluation Panel reports, Solicitations, expert reports, etc.). 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).

(INTENTIONALLY LEFT BLANK)

The yellow highlighted section of the table below tracks the appeals workflow increase from FY06-FY10, the decline in the number of Judges during that same period, and the resulting increase in the number of cases assigned annually to each of the remaining Judges.

	Appeals Filed	%+ FY06	# of CAB Judges	Total # Cases/Yr	Average # Cases Per Judge
FY05	35	n/a	3	101A/127	42 (including 34 appeals)
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-Sep. '11) 1 (July '11-Sept. '11)	118A/163	N/A: (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. Therefore, it would be misleading to identify an "average case per Judge" metric because most Judges served in various increments of less than one year.)
FY12	23	n/a	3	105A/154	51 (including 35 appeals)
FY13	28	n/a	3	113A/152	50.6 (including 37 appeals)
FY14 (YTD)	5	n/a	3	90A/107	35.6 (including 30 appeals)

Thus, elimination of the *legacy backlog* (the term used to refer to those cases that became backlogged during FY06-FY10) has been a continuing "top priority" of the current Judges since their appointments were made in late FY10 and mid FY11. In this regard, the current Board has eliminated 85% of the legacy backlog to date (36/42), and has prioritized elimination of the remaining 15 % (6/42) as a FY14 "top priority". The table below identifies the number of legacy appeals cases eliminated since the current Judges were appointed:

Fiscal Year	Total No. Legacy Cases Closed	Pending Legacy Cases
FY10	1	41
FY11	11	30
FY12	5	25
FY13	5	20
FY14 (to date)	14	6

In addition to the legacy backlog, the Board has an additional 20 appeals cases targeted for closure in FY14. Most, but not all, of the additional 20 targeted cases were filed in 2011 (some in 2010), and are targeted for disposition primarily to prevent them from remaining on the CAB docket for more than three years (i.e., it is the goal of the current Board Judges to resolve all appeals cases within a maximum of three years from the date of filing). Thus, closure of these latter cases will prevent a *second generation backlog* from developing. In order to achieve the Board's goal, several multi-year actions have been taken:

- All Judges, staff Attorneys, law clerks, and support staff have been briefed on the Board's top priority of closing the final six legacy backlog cases AND resolving the 20 additional appeals cases noted herein. Each Judge has been given his/her list of cases to complete during FY14. Docket meetings are held monthly to review progress.
- To support Judges better, CAB's two FTE attorneys perform distinct responsibilities as follows: one attorney serves as Pretrial Counsel, Motions Counsel and Screening Attorney. In that capacity, the attorney prepares Judges for all pretrial hearings, drafts Orders on all pending motions, and screens all

new cases for jurisdictional prerequisites. A second FTE attorney provides more senior research/writing support to the Judges, including preparation of draft final decisions in appeals cases. This latter attorney is given quarterly work plans by Board Judges specifying which cases are to be prioritized for the quarter. In addition, CAB's law clerk program with George Washington University Law School has expanded to include American University, Georgetown and Howard University Schools of Law, and the Washington Bar Association's Judicial Council Intern program. CAB currently has three law interns (one full time), and interviews throughout the year for additional interns.

**SUSTAIN (OR INCREASE) CAB's 96% COMPLIANCE RATE FOR CLOSING PROTEST CASES WITHIN 60 DAYS OF FILING.**

Although protest cases constitute 12% of the total CAB docket (11/91), 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 FY13 (and FY14 to date), CAB closed 96% 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. To improve upon the Board's 96% compliance rate in timely protest decisions, the Board will rely upon staffing resources (two FTE attorneys/volunteer law clerks), and greater use of "predictive outcome evaluations". A predictive outcome evaluation occurs when a Judge provides a preliminary oral indication of the likely case outcome in lieu of a final written decision. The Board resolved several cases using predictive evaluation in FY13 and FY14 to date.

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

One of CAB's top priorities is to continue to provide the highest level of transparency possible. In that regard, CAB will continue the prompt display of all materials filed in pending and closed cases to the Board's website for public display. We discuss briefly below the two types of case records (pending and closed files) that are uploaded to the CAB public website.

**Display of Current Case Files on Public Website.** Based on three year data (FY11-FY13), the Board averages 2,089 filings per annum in pending cases. On average, the noted filings total 27,646 pages per annum of case materials requiring upload to the Board's website. In FY13, parties filed 1,764 pleadings, motions, or other materials with the Board totaling 33,920 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. For FY13 and FY14 to date, all filed materials (except materials filed under protective order) were successfully uploaded to the public website. In order to sustain a successful level of performance, the Board's Appeals Clerk and Protest Clerk are tasked with uploading all new case materials within 3 days of filing. Clerks prepare a monthly "uploads" report, which is reviewed at staff meetings. The table below includes total documents and total pages filed with the Board from FY11-FY13:

Total Documents/Pages Filed in FY11	Total Documents/Pages Filed in FY12	Total Documents/Pages Filed FY13
2,073 Documents 33,240 Pages	2,432 Documents 38,392 Pages	1,764 Documents 33,920 Pages

**Legacy Files.** In addition to filings made in pending cases, the Board has legacy cases predating the digital age as to which conversion to digital is necessary prior to eventual upload to the CAB website. From its founding in 1953 to the present, 2449 cases have been filed with CAB. To date, CAB has uploaded 1,280 case files to the Board website, including all cases from 1988-2014. One of CAB's top priorities is to ensure that the remaining 1,169 pre-1988 case files are uploaded. Of the remaining legacy files, 91 have been digitized and are ready for upload. The remaining 1,078 legacy files are hard copy. During FY14, CAB will use existing staff and an outside student to continue the scanning, conversion, and upload of legacy files.

## **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 in various tables in this report was obtained manually through the review and compilation of information appearing in several disparate CAB reports.

Consistent with available resources, one of CAB's top priorities is to review best practice options for acquiring a relational database suitable for Board 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. CAB was not able to make significant headway with outreach to the D.C. Bar. Due to an historic shortage of staff resources, CAB has not been able to sustain efforts to review various options. We will continue to pursue this initiative within existing resources.

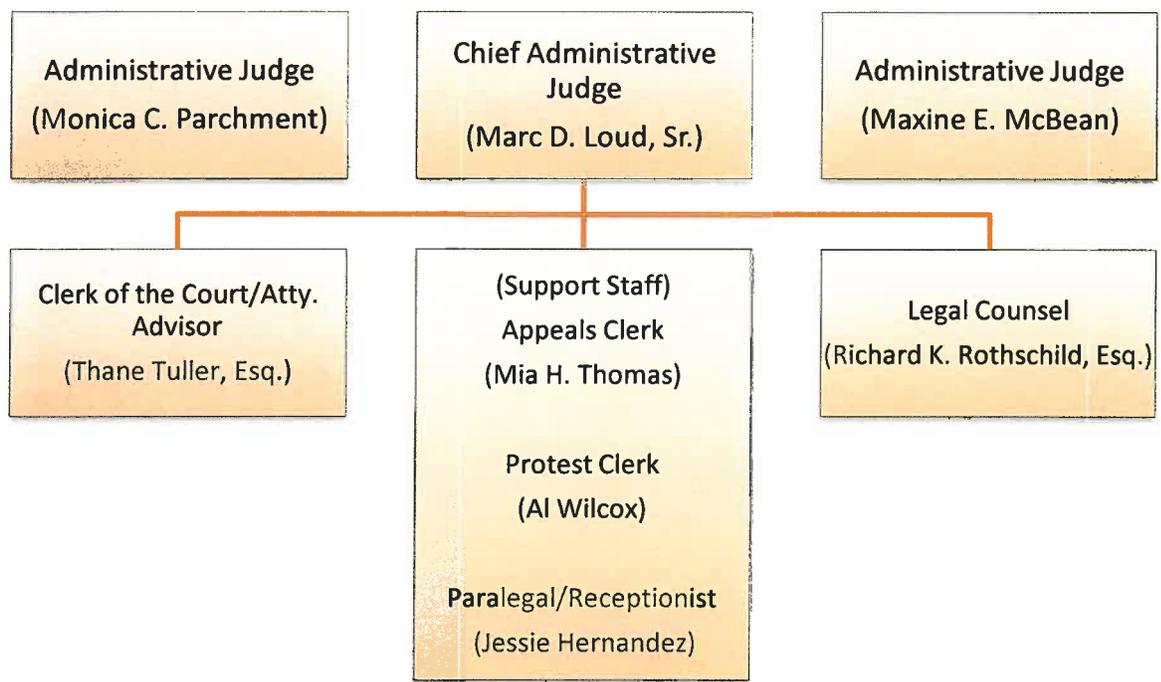
## **SUSTAIN OPERATIONAL EFFICIENCIES INITIATED IN FY11 TO PROMOTE EXPEDITIOUS DISPOSITION (RECURTURALIZATION).**

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 that is three years or less from the date of initial filing. 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 has continued these practices in FY13/FY14 to date and will continue them in FY15.



# D.C. Contract Appeals Board Organization Chart

(Updated January 29, 2014)(The CAB does not have any vacancies.)  
Prepared By: Marc D. Loud, Sr./Chairman and Chief Administrative Judge



ATTACH. B

As of January 29, 2014

#	Title	Name	Hire Date	Grade	Step	Salary	Fringe Rate	Fringe Benefits	Gross Pay	Department Name	F/P Time	Reg/Temp/Term
1	CHIEF ADMIN JUDGE	Loud, Marc D.	8/3/2010	18	0	\$162,995	20.8%	\$33,903	\$196,898	Contract Appeals Board	F	Term
2	ADMIN JUDGE	Parchment, Monica C	5/2/2011	17	0	\$160,747	20.8%	\$33,435	\$194,182	Contract Appeals Board	F	Term
3	ADMIN JUDGE	McBean, Maxine E	8/1/2011	17	0	\$160,747	20.8%	\$33,435	\$194,182	Contract Appeals Board	F	Term
4	Clerk of Court	Tuttle, Thane Forrest	1/28/2013	9	0	\$113,300	20.8%	\$23,566	\$136,866	Contract Appeals Board	F	Reg
5	General Counsel	Rothschild, Richard K	3/22/2004	16	0	\$106,167	20.8%	\$22,083	\$128,250	Contract Appeals Board	F	Reg
6	STAFF ASSISTANT	House Thomas, Mia	9/1/1988	11	6	\$60,389	20.8%	\$12,561	\$72,950	Contract Appeals Board	F	Reg
7	Administrative Officer	Wilcox, Albert L	11/24/2008	11	6	\$60,389	20.8%	\$12,561	\$72,950	Contract Appeals Board	F	Reg
8	Program Support Assistant	Hernandez, Jessie	1/28/2013	8	1	\$39,260	20.8%	\$8,166	\$47,426	Contract Appeals Board	F	Term



**FY 2014 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, protests, and debarments and suspensions 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 on disputes or Quick Payment Act claims, claims by the District against contractors, and appeals by contractors of suspensions and debarments.

**PERFORMANCE PLAN DIVISIONS**

- Adjudication
- Contract Appeals Board (Agency Management Program)<sup>1</sup>

**AGENCY WORKLOAD MEASURES**

Measure	FY 2011 Actual	FY 2012 Actual	FY 2013 YTD <sup>2</sup>
Number of contract solicitation and award protests filed	33	30	25
Number of appeals by contractors of District contracting officer final decisions filed	26	23	28
Number of cases by the District against contractors filed	0	0	0
Number of appeals by contractors of suspensions or debarments filed	0	0	0
Number of contractor appeals of interest payment claims under the Quick Payment Act filed	N/A	N/A	1

**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 3 years or older by September 2014.**

<sup>1</sup> The Contract Appeals Board is a relatively small agency with only 8 full-time equivalents. Therefore, the agency's FY14 Performance Plan is not organized by budget division because there is significant overlap between budget programs.

<sup>2</sup> All FY 2013 YTD data is as of the 4<sup>th</sup> quarter 2013.



Since the replacement of the Board's previous Judges beginning in FY11, current judges have been working diligently to reduce an inherited backlog of aged appeals cases (i.e. more than three years old). In FY14, the Board expects to completely eliminate the legacy backlog. In addition, the Board will reduce the number of appeals cases that are three years or older to less than 5%. **Completion date: September 2014.**

**INITIATIVE 1.2: Complete digital archiving and loading into the database of all appeal cases decided between 1988-1991, and all protest cases decided between 1986-1991, permitting 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 transparent for litigants, the contracting community and the public. In FY14 the Board will digitize and upload to its website appeals cases decided from 1988 through 1991 and protest cases decided from 1986 through 1991. **Completion date: September 2014.**

**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 38,000 pages annually. In this regard, the Board and the George Washington University Law School established a voluntary multi-year Law Clerk program in 2011. We have subsequently expanded the program to include all local law schools, and have engaged Law Clerks from American, Georgetown and Howard University law schools. The program will continue in FY14, providing each CAB Judge with one or more law students or recent law graduates for 20-35 hours weekly. **Completion date: September 2014.**

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

**INITIATIVE 3.1: Meet with stakeholders to promote ADR methods.**

In FY14 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. We anticipate that these efforts will result in litigants requesting dismissal in 30% of the cases closed by the Board in FY14. **Completion date: September 2014.**

**KEY PERFORMANCE INDICATORS – Contract Appeals Board**

Measure	FY 2012 Actual	FY 2013 Target	FY 2013 YTD	FY 2014 Projection	FY 2015 Projection	FY 2016 Projection
Percent of protests resolved within 60 business days.	89%	90%	96%	96%	96%	100%
Percentage of appeals cases decided within 4 months of the cases being ready for decision.	91%	90%	79%	90%	90%	90%
Percentage of new cases using electronic filing system.	100%	100%	100%	100%	100%	100%
Percentage of decisions sustained on appeal.	100%	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%	100%	100%	100%	100%	100%
Percentage of pending cases that are less than 3 years old.	N/A	N/A	N/A	95%	100%	100%