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# Contract Appeals Board

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**Table AF0-1**

Description	FY 2015	FY 2016	FY 2017	% Change
	Actual	Approved	Proposed	from FY 2016
OPERATING BUDGET	\$1,201,217	\$1,449,107	\$1,492,391	3.0
FTEs	9.6	10.0	10.0	0.0

The mission of the Contract Appeals Board (CAB) is to provide an impartial, expeditious, inexpensive, and knowledgeable forum for the hearing and resolving of contractual disputes, protests, debarments, and suspensions involving the District and its contracting communities.

## Summary of Services

The Contract Appeals Board reviews and determines de novo protests of District contract solicitations and/or awards; appeals by contractors of the District Contracting Officer's final decisions; 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.

The agency's FY 2017 proposed budget is presented in the following tables:

## FY 2017 Proposed Gross Funds Operating Budget and FTEs, by Revenue Type

Table AF0-2 contains the proposed FY 2017 budget by revenue type compared to the FY 2016 approved budget. It also provides FY 2015 actual data.

**Table AF0-2**

(dollars in thousands)

Appropriated Fund	Dollars in Thousands					Full-Time Equivalents				
	Actual	Approved	Proposed	Change		Actual	Approved	Proposed	Change	
	FY 2015	FY 2016	FY 2017	FY 2016	Percentage Change*	FY 2015	FY 2016	FY 2017	FY 2016	Percentage Change
<b>GENERAL FUND</b>										
LOCAL FUNDS	1,201	1,449	1,492	43	3.0	9.6	10.0	10.0	0.0	0.0
<b>TOTAL FOR GENERAL FUND</b>	<b>1,201</b>	<b>1,449</b>	<b>1,492</b>	<b>43</b>	<b>3.0</b>	<b>9.6</b>	<b>10.0</b>	<b>10.0</b>	<b>0.0</b>	<b>0.0</b>
<b>GROSS FUNDS</b>	<b>1,201</b>	<b>1,449</b>	<b>1,492</b>	<b>43</b>	<b>3.0</b>	<b>9.6</b>	<b>10.0</b>	<b>10.0</b>	<b>0.0</b>	<b>0.0</b>

\*Percent change is based on whole dollars.

**Note:** If applicable, for a breakdown of each Grant (Federal and Private), Special Purpose Revenue type and Intra-District agreement, please refer to **Schedule 80 Agency Summary by Revenue Source** in the **FY 2017 Operating Appendices** located on the Office of the Chief Financial Officer's website.

## FY 2017 Proposed Operating Budget, by Comptroller Source Group

Table AF0-3 contains the proposed FY 2017 budget at the Comptroller Source Group (object class) level compared to the FY 2016 approved budget. It also provides FY 2014 and FY 2015 actual expenditures.

**Table AF0-3**

(dollars in thousands)

Comptroller Source Group	Actual FY 2014	Actual FY 2015	Approved FY 2016	Proposed FY 2017	Change from FY 2016	Percentage Change*
11 - REGULAR PAY - CONTINUING FULL TIME	377	430	608	668	60	9.9
12 - REGULAR PAY - OTHER	504	564	556	529	-26	-4.7
13 - ADDITIONAL GROSS PAY	3	8	0	0	0	N/A
14 - FRINGE BENEFITS - CURRENT PERSONNEL	152	157	206	220	14	7.0
<b>SUBTOTAL PERSONAL SERVICES (PS)</b>	<b>1,036</b>	<b>1,158</b>	<b>1,370</b>	<b>1,418</b>	<b>48</b>	<b>3.5</b>
20 - SUPPLIES AND MATERIALS	4	12	8	10	2	18.9
31 - TELEPHONE, TELEGRAPH, TELEGRAM, ETC.	0	2	9	9	0	0.0
40 - OTHER SERVICES AND CHARGES	10	15	24	25	0	2.0
41 - CONTRACTUAL SERVICES - OTHER	16	6	25	25	0	1.5
70 - EQUIPMENT AND EQUIPMENT RENTAL	2	7	13	5	-8	-60.5
<b>SUBTOTAL NONPERSONAL SERVICES (NPS)</b>	<b>32</b>	<b>43</b>	<b>79</b>	<b>74</b>	<b>-5</b>	<b>-6.5</b>
<b>GROSS FUNDS</b>	<b>1,068</b>	<b>1,201</b>	<b>1,449</b>	<b>1,492</b>	<b>43</b>	<b>3.0</b>

\*Percent change is based on whole dollars.

## FY 2017 Proposed Operating Budget and FTEs, by Division/Program and Activity

Table AF0-4 contains the proposed FY 2017 budget by division/program and activity compared to the FY 2016 approved budget. It also provides FY 2015 actual data. For a more comprehensive explanation of divisions/programs and activities, please see the Division/Program Description section, which follows the table.

**Table AF0-4**

(dollars in thousands)

Division/Program and Activity	Dollars in Thousands				Full-Time Equivalents			
	Actual FY 2015	Approved FY 2016	Proposed FY 2017	Change from FY 2016	Actual FY 2015	Approved FY 2016	Proposed FY 2017	Change from FY 2016
<b>(1000) CONTRACT APPEALS BOARD</b>								
(1010) PERSONNEL	0	9	9	0	0.0	0.0	0.0	0.0
(1090) PERFORMANCE MANAGEMENT	194	349	211	-138	1.0	2.0	1.0	-1.0
<b>SUBTOTAL (1000) CONTRACT APPEALS BOARD</b>	<b>194</b>	<b>358</b>	<b>220</b>	<b>-138</b>	<b>1.0</b>	<b>2.0</b>	<b>1.0</b>	<b>-1.0</b>
<b>(2000) ADJUDICATION</b>								
(2001) ADJUDICATION	1,007	1,091	1,272	181	8.6	8.0	9.0	1.0
<b>SUBTOTAL (2000) ADJUDICATION</b>	<b>1,007</b>	<b>1,091</b>	<b>1,272</b>	<b>181</b>	<b>8.6</b>	<b>8.0</b>	<b>9.0</b>	<b>1.0</b>
<b>TOTAL PROPOSED OPERATING BUDGET</b>	<b>1,201</b>	<b>1,449</b>	<b>1,492</b>	<b>43</b>	<b>9.6</b>	<b>10.0</b>	<b>10.0</b>	<b>0.0</b>

(Change is calculated by whole numbers and numbers may not add up due to rounding)

**Note:** For more detailed information regarding the proposed funding for the activities within this agency's programs, please see **Schedule 30-PBB Program Summary by Activity** in the **FY 2017 Operating Appendices** located on the Office of the Chief Financial Officer's website. "No Activity Assigned" indicates budget or actuals that are recorded at the division/program level.

### Program Description

The Contract Appeals Board operates through the following 2 programs:

**Contract Appeals Board (Agency Management)** – provides for administrative support and the required tools to achieve operational and programmatic results. This program is standard for all agencies using performance-based budgeting.

**Adjudication** – adjudicates protests of District contract solicitations and awards, appeals by contractors of District contracting officer's 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.

### Program Structure Change

The Contract Appeals Board has no program structure changes in the FY 2017 proposed budget.

## FY 2016 Approved Budget to FY 2017 Proposed Budget, by Revenue Type

Table AF0-5 itemizes the changes by revenue type between the FY 2016 approved budget and the FY 2017 proposed budget. For a more comprehensive explanation of changes, please see the FY 2017 Proposed Budget Changes section, which follows the table.

**Table AF0-5**

(dollars in thousands)

DESCRIPTION	DIVISION/PROGRAM	BUDGET	FTE
<b>LOCAL FUNDS: FY 2016 Approved Budget and FTE</b>		<b>1,449</b>	<b>10.0</b>
Other CSFL Adjustments	Multiple Programs	43	0.0
<b>LOCAL FUNDS: FY 2017 Current Services Funding Level (CSFL) Budget</b>		<b>1,492</b>	<b>10.0</b>
Increase: To align personal services and Fringe Benefits with projected costs	Adjudication	155	1.0
Decrease: To offset projected adjustments in personal services costs	Adjudication	-6	0.0
Decrease: To align personal services and Fringe Benefits with projected costs	Contract Appeals Board	-149	-1.0
<b>LOCAL FUNDS: FY 2017 Agency Budget Submission</b>		<b>1,492</b>	<b>10.0</b>
No Change		0	0.0
<b>LOCAL FUNDS: FY 2017 Mayor's Proposed Budget</b>		<b>1,492</b>	<b>10.0</b>
No Change		0	0.0
<b>LOCAL FUNDS: FY 2017 District's Proposed Budget</b>		<b>1,492</b>	<b>10.0</b>
<b>GROSS FOR AF0 - CONTRACT APPEALS BOARD</b>		<b>1,492</b>	<b>10.0</b>

(Change is calculated by whole numbers and numbers may not add up due to rounding)

### FY 2017 Proposed Budget Changes

The Contract Appeals Board's (CAB) proposed FY 2017 gross budget is \$1,492,391, which represents a 3.0 percent increase over its FY 2016 approved gross budget of \$1,449,107. The budget is comprised entirely of Local funds.

### Current Services Funding Level

The Current Services Funding Level (CSFL) is a Local funds ONLY representation of the true cost of operating District agencies, before consideration of policy decisions. The CSFL reflects changes from the FY 2016 approved budget across multiple programs, and it estimates how much it would cost an agency to continue its current programs and operations into the following fiscal year. The FY 2017 CSFL adjustments to the FY 2016 Local funds budget are described in table 5 of this agency's budget chapter. Please see the CSFL Development section within Volume 1: Executive Summary for more information regarding the methodology used and components that comprise the CSFL.

CAB's FY 2017 CSFL budget is \$1,492,391, which represents a \$43,284, or 3.0 percent, increase over the FY 2016 approved Local funds budget of \$1,449,107.

### CSFL Assumptions

The FY 2017 CSFL calculated for CAB included adjustment entries that are not described in detail on table 5. These adjustments were made for increases of \$42,781 in personal services to account for Fringe Benefit costs based on trend and comparative analyses, the impact of cost-of-living adjustments, and approved compensation agreements, and an increase of \$566 in nonpersonal services based on the Consumer Price Index factor of 2.3 percent. CSFL funding for CAB also includes a reduction of \$63 for the Fixed Costs Inflation Factor to account for projected fleet services.

### **Agency Budget Submission**

**Increase:** The proposed budget includes a net increase of \$154,700 in the Adjudication program to reflect the reallocation of 1.0 Full-Time Equivalent (FTE) from the Contract Appeals Board program, the reclassification of 1.0 FTE from Term Full-Time to Continuing Full-Time status, and adjustments to salary and Fringe Benefits.

**Decrease:** The proposed budget reflects a net decrease of \$6,000 in the Adjudication program, primarily in equipment related costs, to offset the adjustments in personal services. CAB's proposed Local funds budget also includes a reduction of \$149,023 in the Contract Appeals Board program due to the reallocation of 1.0 FTE to the Adjudication program.

### **Mayor's Proposed Budget**

**No Change:** The Contract Appeals Board's budget proposal reflects no change from the agency budget submission to the Mayor's proposed budget.

### **District's Proposed Budget**

**No Change:** The Contract Appeals Board's budget proposal reflects no change from the Mayor's proposed budget to the District's proposed budget.

## Agency Performance Plan\*

Contract Appeals Board (CAB) has the following strategic objectives for FY 2017:

### Strategic Objectives

Strategic Objectives describe what the agency will do, at a high level, to achieve its mission. These are action-based sentences that define what an agency does for its customers, whether the customers are residents or other District agencies, and how that improves the District.

### Objectives

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 webbased retrieval and full text searching by the parties with pending cases and the public.\*\*

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### Activities

Activities include the work that happens on a daily basis to help achieve the strategic objectives. Activity names come from the Budget line items. This is further divided into “daily services” (ex. sanitation disposal), and long-term “key projects” that are high profile, one-time and span several years, (ex. redevelopment of Walter Reed Army Medical Center). Many agencies will mostly have daily services, whereas some agencies that are more capital-based will have several key projects.

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#### 1. Increase public confidence in the DC procurement process through the efficient, effective, and fair disposition of public contracting disputes. (1 Activity)

Activity Title	Activity Description	Type of Activity
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

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#### 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)

Activity Title	Activity Description	Type of Activity
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

**3. Create and maintain a highly efficient, transparent and responsive District government through the digital archiving and electronic filing of all Board cases permitting webbased retrieval and full text searching by the parties with pending cases and the public.\*\* (1 Activity)**

Activity Title	Activity Description	Type of Activity
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 webbased 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

**KEY PERFORMANCE INDICATORS**

Key Performance Indicators measure how well an agency is achieving its Strategic Objectives. They are outcome oriented and should be used to answer the question, “What does the agency need to measure to determine success?”

**1. Serve as the conduit for the evolution of relationship building and policy development between the City Legislature and the Executive. (1 Measure)**

Measure	New Measure/ Benchmark Year	FY 2014 Actual	FY 2015 Actual	FY 2015 Target	FY 2016 Target	FY 2017 Target
Percent of Protests resolved within 60 business days		82%	91%	95%	95%	95%
Percent of appeals resolved within four months of the cases being ready for decision		84%	80%	90%	90%	90%
Percent of pending cases that are three years old or less		80%	71%	100%	85%	90%
Percent of decisions sustained on appeal		100%	100%	100%	100%	100%

**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)**

Measure	New Measure/ Benchmark Year	FY 2014 Actual	FY 2015 Actual	FY 2015 Target	FY 2016 Target	FY 2017 Target
Percent of cases resolved through settlement	X	Not available	Not available	Not available	30%	30%

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**3. Create and maintain a highly efficient, transparent and responsive District government through the digital archiving and electronic filing of all Board cases permitting webbased retrieval and full text searching by the parties with pending cases and the public.\*\* (11 Measures)**

<b>Measure</b>	<b>New Measure/ Benchmark Year</b>	<b>FY 2014 Actual</b>	<b>FY 2015 Actual</b>	<b>FY 2015 Target</b>	<b>FY 2016 Target</b>	<b>FY 2017 Target</b>
Percent of new cases using electronic filing system		100%	100%	100%	100%	100%
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		100%	100%	100%	100%	100%
Contracts/Procurement Expendable Budget spent on Certified Business Enterprises	X	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016
Contracts/Procurement Contracts lapsed into retroactive status	X	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016
Budget Local funds unspent	X	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016
Budget Federal Funds returned	X	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016
Customer Service Meeting Service Level Agreements	X	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016
Human Resources Vacancy Rate	X	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016
Human Resources Employee District residency	X	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016
Human Resources Employee Onboard Time	X	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016
Performance Management Employee Performance Plan Completion	X	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016	Forthcoming October 2016

**Performance Plan End Notes:**

\*For more information about the new structure and components of FY 2017 draft performance plans, please see the FY 2017 Proposed Budget and Financial Plan, Volume 1, Appendix E.

\*\*\*"Create and maintain a highly efficient, transparent and responsive District government" is a new Strategic Objective this year required for all agencies.

\*\*\*Key Performance Indicators that are new may not have historical data and may only have FY 2017 targets.