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# Contract Appeals Board

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Table AF0-1

Description	FY 2017 Actual	FY 2018 Actual	FY 2019 Approved	FY 2020 Approved	% Change from FY 2019
OPERATING BUDGET	\$1,453,274	\$1,484,987	\$1,556,442	\$1,823,689	17.2
FTEs	10.0	10.0	10.0	11.0	10.0

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 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 2020 approved budget is presented in the following tables:

## FY 2020 Approved Gross Funds Operating Budget and FTEs, by Revenue Type

Table AF0-2 contains the approved FY 2020 budget by revenue type compared to the FY 2019 approved budget. It also provides FY 2017 and FY 2018 actual data.

**Table AF0-2**

(dollars in thousands)

Appropriated Fund	Dollars in Thousands						Full-Time Equivalents					
	Actual FY 2017	Actual FY 2018	Approved FY 2019	Approved FY 2020	Change from FY 2019	% Change*	Actual FY 2017	Actual FY 2018	Approved FY 2019	Approved FY 2020	Change from FY 2019	% Change
<b>GENERAL FUND</b>												
Local Funds	1,453	1,485	1,556	1,824	267	17.2	10.0	10.0	10.0	11.0	1.0	10.0
<b>TOTAL FOR GENERAL FUND</b>	<b>1,453</b>	<b>1,485</b>	<b>1,556</b>	<b>1,824</b>	<b>267</b>	<b>17.2</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>11.0</b>	<b>1.0</b>	<b>10.0</b>
<b>GROSS FUNDS</b>	<b>1,453</b>	<b>1,485</b>	<b>1,556</b>	<b>1,824</b>	<b>267</b>	<b>17.2</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>11.0</b>	<b>1.0</b>	<b>10.0</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 2020 Operating Appendices** located on the Office of the Chief Financial Officer's website.

## FY 2020 Approved Operating Budget, by Comptroller Source Group

Table AF0-3 contains the approved FY 2020 budget at the Comptroller Source Group (object class) level compared to the FY 2019 approved budget. It also provides FY 2017 and FY 2018 actual expenditures.

**Table AF0-3**

(dollars in thousands)

Comptroller Source Group	Actual FY 2017	Actual FY 2018	Approved FY 2019	Approved FY 2020	Change from FY 2019	Percentage Change*
11 - Regular Pay - Continuing Full Time	668	673	731	876	145	19.8
12 - Regular Pay - Other	532	560	547	556	9	1.6
13 - Additional Gross Pay	8	0	0	0	0	N/A
14 - Fringe Benefits - Current Personnel	193	201	212	241	28	13.4
<b>SUBTOTAL PERSONAL SERVICES (PS)</b>	<b>1,402</b>	<b>1,433</b>	<b>1,491</b>	<b>1,672</b>	<b>182</b>	<b>12.2</b>
20 - Supplies and Materials	0	1	3	10	7	194.4
31 - Telecommunications	0	2	0	0	0	N/A
40 - Other Services and Charges	18	28	36	125	89	249.3
41 - Contractual Services - Other	32	16	26	15	-11	-41.4
70 - Equipment and Equipment Rental	1	5	1	1	0	66.7
<b>SUBTOTAL NONPERSONAL SERVICES (NPS)</b>	<b>51</b>	<b>52</b>	<b>66</b>	<b>151</b>	<b>85</b>	<b>129.9</b>
<b>GROSS FUNDS</b>	<b>1,453</b>	<b>1,485</b>	<b>1,556</b>	<b>1,824</b>	<b>267</b>	<b>17.2</b>

\*Percent change is based on whole dollars.

## FY 2020 Approved Operating Budget and FTEs, by Division/Program and Activity

Table AF0-4 contains the approved FY 2020 budget by division/program and activity compared to the FY 2019 approved budget. It also provides FY 2017 and FY 2018 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 2017	Actual FY 2018	Approved FY 2019	Approved FY 2020	Change from FY 2019	Actual FY 2017	Actual FY 2018	Approved FY 2019	Approved FY 2020	Change from FY 2019
<b>(1000) CONTRACT APPEALS BOARD</b>										
(1010) Personnel	0	1	0	0	0	0.0	0.0	0.0	0.0	0.0
(1090) Performance Management	208	214	214	219	5	1.0	1.0	1.0	1.0	0.0
<b>SUBTOTAL (1000) CONTRACT APPEALS BOARD</b>	<b>208</b>	<b>215</b>	<b>214</b>	<b>219</b>	<b>5</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>1.0</b>	<b>0.0</b>
<b>(2000) ADJUDICATION</b>										
(2001) Adjudication	1,245	1,270	1,343	1,605	263	9.0	9.0	9.0	10.0	1.0
<b>SUBTOTAL (2000) ADJUDICATION</b>	<b>1,245</b>	<b>1,270</b>	<b>1,343</b>	<b>1,605</b>	<b>263</b>	<b>9.0</b>	<b>9.0</b>	<b>9.0</b>	<b>10.0</b>	<b>1.0</b>
<b>TOTAL APPROVED OPERATING BUDGET</b>	<b>1,454</b>	<b>1,485</b>	<b>1,556</b>	<b>1,824</b>	<b>267</b>	<b>10.0</b>	<b>10.0</b>	<b>10.0</b>	<b>11.0</b>	<b>1.0</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 2020 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 2020 approved budget.

## FY 2019 Approved Budget to FY 2020 Approved Budget, by Revenue Type

Table AF0-5 itemizes the changes by revenue type between the FY 2019 approved budget and the FY 2020 approved budget. For a more comprehensive explanation of changes, please see the FY 2020 Approved Budget Changes section, which follows the table.

**Table AF0-5**

(dollars in thousands)

DESCRIPTION	DIVISION/PROGRAM	BUDGET	FTE
<b>LOCAL FUNDS: FY 2019 Approved Budget and FTE</b>		<b>1,556</b>	<b>10.0</b>
No Change		0	0.0
<b>LOCAL FUNDS: FY 2020 Recurring Budget</b>		<b>1,556</b>	<b>10.0</b>
Increase: To align personal services and Fringe Benefits with projected costs	Multiple Programs	33	0.0
Decrease: To partially offset projected adjustments in personal services costs	Adjudication	-10	0.0
<b>LOCAL FUNDS: FY 2020 Mayor's Proposed Budget</b>		<b>1,580</b>	<b>10.0</b>
Enhance: To support an Information Technology Director position	Adjudication	149	1.0
Enhance: To support the digitizing and archiving of case files (one-time)	Adjudication	100	0.0
Reduce: To realize savings in nonpersonal services	Adjudication	-5	0.0
<b>LOCAL FUNDS: FY 2020 District's Approved Budget</b>		<b>1,824</b>	<b>11.0</b>
<b>GROSS FOR AF0 - CONTRACT APPEALS BOARD</b>		<b>1,824</b>	<b>11.0</b>

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

### FY 2020 Approved Budget Changes

The Contract Appeals Board's (CAB) approved FY 2020 gross budget is \$1,823,689, which represents a 17.2 percent increase over its FY 2019 approved gross budget of \$1,556,442. The budget is comprised entirely of Local funds.

#### Recurring Budget

**No Change:** The Contract Appeals Board's budget proposal reflects no change from the FY 2019 approved budget to the FY 2020 recurring budget.

#### Mayor's Proposed Budget

**Increase:** CAB's proposed budget includes an increase of \$32,954 across multiple programs to properly fund salary steps increases and Fringe Benefit costs.

**Decrease:** The proposed budget in the Adjudication program reflects a net decrease of \$9,556 in nonpersonal services costs to partially offset the projected increase in salary and fringe costs. This adjustment primarily reflects reductions in Contractual Services and operational costs.

#### District's Approved Budget

**Enhance:** The Contract Appeals Board's (CAB) approved Local funds budget contains an increase of \$248,849 in the Adjudication program to support the following: \$148,849 and 1.0 FTE in salary and Fringe Benefit costs for an Information Technology Director, and \$100,000 in one-time funding will allow the agency to complete the digitization and archiving of case files.

**Reduce:** The approved budget for CAB reflects a reduction of \$5,000 in nonpersonal services to properly align the budget with projected expenditures.

## Agency Performance Plan\*

The Contract Appeals Board (CAB) has the following strategic objectives for FY 2020:

### 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 web-based 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 have more of their budget come from capital funding 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

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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 web-based 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 web-based retrieval and full-text searching capability by the parties with pending	Key Project

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

Activity Title	Activity Description	Type of Activity
	cases and the public, while promoting electronic filing and uploading of documents in all newly filed cases.	

**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. Increase public confidence in the DC procurement process through the efficient, effective and fair disposition of public contracting disputes. (4 Measures)**

Measure	New Measure/ Benchmark Year	FY 2017 Actual	FY 2018 Target	FY 2018 Actual	FY 2019 Target	FY 2020 Target
Percent of Appeals resolved within 4 months of the cases being ready for decision	No	80%	90%	84.2%	90%	90%
Percent of Protests resolved within 60 business days	No	87%	95%	90.9%	95%	95%
Percent of decisions sustained on appeal	No	100%	100%	No Applicable Incidents	100%	100%
Percent of pending Appeals that are three years old or less	No	92.9%	90%	86.7%	90%	90%

**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 2017 Actual	FY 2018 Target	FY 2018 Actual	FY 2019 Target	FY 2020 Target
Percent of cases resolved through settlement	No	48.4%	50%	55.4%	50%	50%

**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)**

Measure	New Measure/ Benchmark Year	FY 2017 Actual	FY 2018 Target	FY 2018 Actual	FY 2019 Target	FY 2020 Target
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	No	100%	100%	100%	100%	100%
Percent of new cases using electronic filing system	No	100%	100%	100%	100%	100%

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## WORKLOAD MEASURES

Workload Measures, also called inputs or outputs, quantify an activity, effort or process that is necessary to make progress towards the Strategic Objectives. They help answer the question; “How much are we doing?”

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### 1. Reduce the number of open appeal cases that are three years or older through docket review and strategic resource allocation

Measure	New Measure/ Benchmark Year	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual
Number of cases resolved	No	48	64	56
Number of new cases filed	No	33	48	46

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### 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

Measure	New Measure/ Benchmark Year	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual
Number of cases resolved through settlement/voluntary withdrawal	No	35	31	31
Number of Scheduling Orders issued encouraging settlement	No	33	48	46

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### 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

Measure	New Measure/ Benchmark Year	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual
Number of archived protest and appeals cases digitized and uploaded to the public website	No	48	64	20
Number of documents filed in new cases	No	1783	1933	1461
Number of new cases filed and processed electronically	No	33	48	46

#### Performance Plan End Notes:

\*For more information about the structure and components of FY 2020 draft performance plans, please see the FY 2020 Proposed Budget and Financial Plan, Volume 1, Appendix E.

\*\*Key Performance Indicators that are new may not have historical data and may only have FY 2020 targets.

\*\*\* District wide measures for the objective “Create and maintain a highly efficient, transparent and responsive District government” have been introduced as part of FY 2019 and FY 2020 Performance Plans and will be reported by the Office of the City Administrator (OCA). FY 2019 and FY 2020 are pilot years for this initiative, therefore not all data are available.