

Contract Appeals Board

www.cab.dc.gov
Telephone: 202-727-6597

Table AF0-1

| Description | FY 2019 | FY 2020 | FY 2021 | FY 2022 | % Change |
|------------------|-------------|-------------|-------------|-------------|-----------------|
| | Actual | Actual | Approved | Approved | from FY 2021 |
| OPERATING BUDGET | \$1,550,125 | \$1,760,009 | \$1,779,796 | \$1,897,176 | 6.6 |
| FTEs | 10.0 | 11.0 | 11.0 | 11.0 | 0.0 |
| CAPITAL BUDGET | \$0 | \$0 | \$0 | \$0 | N/A |
| FTEs | 0.0 | 0.0 | 0.0 | 0.0 | N/A |

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 2022 approved budget is presented in the following tables:

FY 2022 Approved Gross Funds Operating Budget and FTEs, by Revenue Type

Table AF0-2 contains the approved FY 2022 budget by revenue type compared to the FY 2021 approved budget. It also provides FY 2019 and FY 2020 actual data.

Table AF0-2

(dollars in thousands)

| | Dollars in Thousands | | | | | | Full-Time Equivalents | | | | | |
|-----------------------------------|----------------------|-------------------|---------------------|---------------------|---------------------------|--------------|-----------------------|-------------------|---------------------|---------------------|---------------------------|-------------|
| | Actual FY 2019 | Actual FY 2020 | Approved FY 2021 | Approved FY 2022 | Change from FY 2021 | % Change* | Actual FY 2019 | Actual FY 2020 | Approved FY 2021 | Approved FY 2022 | Change from FY 2021 | % Change |
| Appropriated Fund | | | | | | | | | | | | |
| GENERAL FUND | | | | | | | | | | | | |
| Local Funds | 1,550 | 1,760 | 1,780 | 1,897 | 117 | 6.6 | 10.0 | 11.0 | 11.0 | 11.0 | 0.0 | 0.0 |
| TOTAL FOR GENERAL FUND | 1,550 | 1,760 | 1,780 | 1,897 | 117 | 6.6 | 10.0 | 11.0 | 11.0 | 11.0 | 0.0 | 0.0 |
| GROSS FUNDS | 1,550 | 1,760 | 1,780 | 1,897 | 117 | 6.6 | 10.0 | 11.0 | 11.0 | 11.0 | 0.0 | 0.0 |

*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 2022 Operating Appendices** located on the Office of the Chief Financial Officer's website.

FY 2022 Approved Operating Budget, by Comptroller Source Group

Table AF0-3 contains the approved FY 2022 budget at the Comptroller Source Group (object class) level compared to the FY 2021 approved budget. It also provides FY 2019 and FY 2020 actual expenditures.

Table AF0-3

(dollars in thousands)

| Comptroller Source Group | Actual FY 2019 | Actual FY 2020 | Approved FY 2021 | Approved FY 2022 | Change from FY 2021 | Percentage Change* |
|--|-------------------|-------------------|---------------------|---------------------|---------------------------|-----------------------|
| 11 - Regular Pay - Continuing Full Time | 722 | 811 | 913 | 930 | 17 | 1.8 |
| 12 - Regular Pay - Other | 557 | 575 | 573 | 573 | 0 | 0.0 |
| 13 - Additional Gross Pay | 11 | 20 | 0 | 0 | 0 | N/A |
| 14 - Fringe Benefits - Current Personnel | 215 | 216 | 246 | 269 | 22 | 9.1 |
| SUBTOTAL PERSONAL SERVICES (PS) | 1,506 | 1,622 | 1,732 | 1,771 | 39 | 2.3 |
| 20 - Supplies and Materials | 3 | 6 | 10 | 10 | 0 | 0.0 |
| 31 - Telecommunications | 0 | 0 | 0 | 0 | 0 | N/A |
| 40 - Other Services and Charges | 24 | 116 | 24 | 95 | 70 | 287.6 |
| 41 - Contractual Services - Other | 17 | 15 | 13 | 20 | 8 | 61.0 |
| 70 - Equipment and Equipment Rental | 0 | 0 | 1 | 1 | 0 | 0.0 |
| SUBTOTAL NONPERSONAL SERVICES (NPS) | 44 | 138 | 48 | 126 | 78 | 164.0 |
| GROSS FUNDS | 1,550 | 1,760 | 1,780 | 1,897 | 117 | 6.6 |

*Percent change is based on whole dollars.

FY 2022 Approved Operating Budget and FTEs, by Division/Program and Activity

Table AF0-4 contains the approved FY 2022 budget by division/program and activity compared to the FY 2021 approved budget. It also provides FY 2019 and FY 2020 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 2019 | Actual FY 2020 | Approved FY 2021 | Approved FY 2022 | Change from FY 2021 | Actual FY 2019 | Actual FY 2020 | Approved FY 2021 | Approved FY 2022 | Change from FY 2021 |
| (1000) CONTRACT APPEALS BOARD | | | | | | | | | | |
| (1090) Performance Management | 217 | 225 | 225 | 227 | 2 | 1.0 | 1.0 | 1.0 | 1.0 | 0.0 |
| SUBTOTAL (1000) CONTRACT APPEALS BOARD | 217 | 225 | 225 | 227 | 2 | 1.0 | 1.0 | 1.0 | 1.0 | 0.0 |
| (2000) ADJUDICATION | | | | | | | | | | |
| (2001) Adjudication | 1,333 | 1,535 | 1,555 | 1,671 | 116 | 9.0 | 10.0 | 10.0 | 10.0 | 0.0 |
| SUBTOTAL (2000) ADJUDICATION | 1,333 | 1,535 | 1,555 | 1,671 | 116 | 9.0 | 10.0 | 10.0 | 10.0 | 0.0 |
| TOTAL APPROVED OPERATING BUDGET | 1,550 | 1,760 | 1,780 | 1,897 | 117 | 10.0 | 11.0 | 11.0 | 11.0 | 0.0 |

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

Note: For more detailed information regarding the approved funding for the activities within this agency's programs, please see **Schedule 30-PBB Program Summary by Activity** in the **FY 2022 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 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 2022 approved budget.

FY 2021 Approved Budget to FY 2022 Approved Budget, by Revenue Type

Table AF0-5 itemizes the changes by revenue type between the FY 2021 approved budget and the FY 2022 approved budget. For a more comprehensive explanation of changes, please see the FY 2022 Approved Budget Changes section, which follows the table.

Table AF0-5

(dollars in thousands)

| DESCRIPTION | DIVISION/PROGRAM | BUDGET | FTE |
|---|-------------------|--------------|-------------|
| LOCAL FUNDS: FY 2021 Approved Budget and FTE | | 1,780 | 11.0 |
| No Change | | 0 | 0.0 |
| LOCAL FUNDS: FY 2022 Recurring Budget | | 1,780 | 11.0 |
| Increase: To align personal services and Fringe Benefits with projected costs | Multiple Programs | 13 | 0.0 |
| Decrease: To align resources with operational spending goals | Adjudication | -13 | 0.0 |
| LOCAL FUNDS: FY 2022 Mayor's Proposed Budget | | 1,780 | 11.0 |
| Enhance: To support the Archiving Documents project (one-time) | Adjudication | 79 | 0.0 |
| Enhance: To address personal and nonpersonal service shortfall | Adjudication | 39 | 0.0 |
| Reduce: To realize savings in nonpersonal services | Adjudication | -1 | 0.0 |
| LOCAL FUNDS: FY 2022 District's Approved Budget | | 1,897 | 11.0 |
| GROSS FOR AF0 - CONTRACT APPEALS BOARD | | 1,897 | 11.0 |

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

FY 2022 Approved Operating Budget Changes

Table AF0-6 contains the approved FY 2022 budget by fund compared to the FY 2021 approved budget.

Table AF0-6

| Appropriated Fund | FY 2021 Approved | FY 2022 Approved | % Change from FY 2021 |
|--------------------|---------------------|---------------------|-----------------------------|
| Local Funds | \$1,779,796 | \$1,897,176 | 6.6 |
| GROSS FUNDS | \$1,779,796 | \$1,897,176 | 6.6 |

Recurring Budget

The Contract Appeals Board's budget proposal reflects no change from the FY 2021 approved budget to the FY 2022 recurring budget.

Mayor's Proposed Budget

Increase: CAB's Local fund proposed budget includes a net increase of \$12,971 across multiple programs to align salaries and Fringe Benefits with projected costs.

Decrease: CAB's proposed budget reflects a net decrease of \$12,971 in the Adjudication program to align agency resources with operational spending goals.

District's Approved Budget

Enhance: The Contract Appeals Board's approved budget reflects a one-time increase of \$79,300 in the Adjudication program to support the Archiving Documents project. Additionally, the budget includes an increase of \$39,253 in the Adjudication program as an errata adjustment.

Reduce: The Contract Appeals Board's budget reflects a reduction of \$1,173 in nonpersonal services to realize anticipated savings in supplies and materials purchases.

Agency Performance Plan*

The Contract Appeals Board (CAB) has the following strategic objectives for FY 2022:

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.

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.

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 |

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 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 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. 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 2019 Actual | FY 2020 Target | FY 2020 Actual | FY 2021 Target | FY 2022 Target |
|---|--------------------------------|-------------------|-------------------|-------------------------------|-------------------|-------------------|
| Percent of Appeals resolved within 4 months of the cases being ready for decision | No | 81.3% | 90% | 92.9% | 90% | 90% |
| Percent of Protests resolved within 60 business days | No | 100% | 95% | 94.1% | 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 | 100% | 90% | 100% | 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 2019 Actual | FY 2020 Target | FY 2020 Actual | FY 2021 Target | FY 2022 Target |
|--|--------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Percent of cases resolved through settlement | No | 55.6% | 50% | 50% | 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 2019 Actual | FY 2020 Target | FY 2020 Actual | FY 2021 Target | FY 2022 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% | 83.3% | 100% | 100% |

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?”

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 2018 Actual | FY 2019 Actual | FY 2020 Actual |
|---------------------------|--------------------------------|-------------------|-------------------|-------------------|
| Number of cases resolved | No | 56 | 36 | 36 |
| Number of new cases filed | No | 46 | 35 | 24 |

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 2018 Actual | FY 2019 Actual | FY 2020 Actual |
|--|--------------------------------|-------------------|-------------------|-------------------|
| Number of cases resolved through settlement/voluntary withdrawal | No | 31 | 20 | 18 |
| Number of Scheduling Orders issued encouraging settlement | No | 46 | 35 | 24 |

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 2018 Actual | FY 2019 Actual | FY 2020 Actual |
|---|--------------------------------|-------------------|-------------------|-------------------|
| Number of archived protest and appeals cases digitized and uploaded to the public website | No | 20 | 0 | 0 |
| Number of documents filed in new cases | No | 1461 | 1376 | 2043 |
| Number of new cases filed and processed electronically | No | 46 | 35 | 21 |

Performance Plan Endnotes:

*For more information about the structure and components of FY 2022 draft performance plans, please see the FY 2022 Approved Budget and Financial Plan, Volume 1, Appendix E.

**Key performance indicators that are new may not have historical data and may only have FY 2022 targets.

***To view the final versions of agency FY 2022 performance plans when they become available in December 2021, see the OCA website at <https://oca.dc.gov/>.