



POLICY FLASH 2007-14

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DATE: January 4, 2007

TO: Procurement Directors

FROM: Office of Procurement and Assistance Policy, MA-61
Office of Procurement and Assistance Management

SUBJECT: Civilian Board of Contract Appeals

SUMMARY: This Flash is to inform you that as of January 7, 2007, the Department's Board of Contract Appeals will no longer exist. Instead, a new Civilian Board of Contract Appeals has been established.

Background:

Specific agency Board of Contract Appeals previously existing at the General Services Administration, and at the Departments of Agriculture, Energy, Housing and Urban Development, Interior, Labor, Transportation, and Veterans Affairs have been consolidated into an enhanced appeals system centered in two consolidated boards: one for most of the Government's civilian agencies and another for defense agencies and the National Aeronautics and Space Administration. The consolidation eliminates multiple board rules, increases management efficiency, and improves access to the appeals process for businesses, including small businesses.

What is the purpose of this Policy Flash?

This Flash provides information on the establishment of the Civilian Board of Contract Appeals (CBCA), the authority for it, and the CBCA's jurisdiction. Additional information can be found at

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-18982.htm>.

What is the information?

In Section 847 of the National Defense Authorization Act for Fiscal Year 2006, Pub. L. No. 109-163, Congress established the Civilian Board of Contract Appeals (CBCA) within the General Services Administration (GSA) to hear and decide contract disputes involving executive agencies (other than the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the National Aeronautics and Space Administration, the United States Postal Service, the Postal Rate Commission, and the Tennessee Valley Authority) under the provisions of the Contract Disputes Act (CDA) of 1978 and regulations and rules issued under the CDA. Boards of contract appeals existed at GSA and the Departments of Agriculture, Energy, Housing and Urban Development, Interior, Labor, Transportation, and Veterans Affairs. Effective January 6, 2007, all of those boards in existence on that date terminated, and their cases, Board Judges, and other personnel transferred to the new Civilian Board.

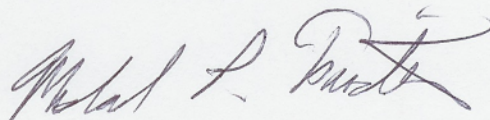
The legislation establishing the Civilian Board provides that the CBA will have jurisdiction to decide contract appeals from any executive agency (other than the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the National Aeronautics and Space Administration, the United States Postal Service, the Postal Rate Commission, and the Tennessee Valley Authority). Cases currently before a board of contract appeals affected by the legislation will be transferred to the CBCA on January 6, 2007, and reassigned CBCA docket numbers.

What must Contracting Officer's Do?

DOE acquisition personnel should review contract provision and language in contracting officer decision letters that may refer contractors to the Energy Board of Contract Appeals for dispute resolution, including alternative dispute resolution, and modify those provisions accordingly.

The offices of the CBCA are located at 1800 M Street, NW, 6th Floor, Washington, DC 20036. The mailing address of the CBCA is 1800 F Street, NW, Washington, DC 20405. The phone number of the Office of the Clerk of the Board is 202-606-8800; the facsimile number is 202-606-0019, and the internet address is <http://www.cbca.gsa.gov>.

Questions concerning this Policy Flash should be directed to the undersigned at 202-287-1330 or Cynthia Yee at 202-287-1666 or Cynthia.Yee@hq.doe.gov.



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