

Resolving Contract Disputes through Alternative Dispute Resolution Techniques

The Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended, establishes procedures and requirements for asserting and resolving contract disputes between government contractors and executive agencies.

The Federal Acquisition Regulation requires federal agencies to provide for inexpensive, informal, procedurally simple, and expeditious resolution of protests filed by a contractor through the use of alternative dispute resolution (ADR) techniques, third party neutrals, and another agency's personnel. Agencies are encouraged to use ADR procedures to the maximum extent practicable.

The General Accountability Office (GAO) may also use ADR processes to resolve bid protests lodged by private entities competing for government contracts. Procedures for protests to GAO are found at 4 CFR Part 21, GAO Bid Protest Regulations, and can be found on GAO's website at: <http://www.gao.gov/decisions/bidpro/bid/bibreg.html>.

The Civilian Board of Contract Appeals Board was established by Section 847 of the National Defense Authorization Act for Fiscal Year 2006 to hear and decide contract disputes between government contractors and executive agencies under the provisions of the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613, as amended. The Board's authority extends to all 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.

The Board uses a variety of techniques intended to shorten and simplify, when appropriate, the formal proceedings normally used to resolve contract disputes. The Board fully supports the use of ADR in all appropriate cases; it encourages the prompt, expert, and inexpensive resolution of contract disputes. In addition, the Board provides to executive agencies, when jointly requested by an agency and its contractor, alternative dispute resolution services on contract-related matters, whether arising before or after a contract award. Additional information can be found at: <http://www.cbca.gsa.gov>.