

Contracts and Procurement Subgroup Report: Vera Meza

Report on 14 Oct 98 Meeting of the Contracts and Procurement Section of the Interagency Alternative Dispute Resolution Working Group.

0900-1200, Key Bridge Marriott.

Meeting chaired by **BG Frank Anderson**, USAF. Approximately 50 people in attendance from about 40 agencies.

BG Anderson's goal is to help all interested federal agencies identify the best practices to devise and implement appropriate ADR practices in the contracting arena. This is a revolution in business affairs; the systematic analysis, re-thinking and re-design of our business practices and programs. He views ADR as an efficiency concept. The Air Force contract ADR vision is to de-litigate the process. He urged us to think ADR when in the Acquisition Strategy phase. He pushed for open contract communication and early dispute resolution. He assumes that there is no perfect contract so that collaboration and partnering are needed for a structured conflict management process. The value of ADR is that it facilitates open discussion and information exchange.

The Air Force has a five year ADR plan to build a support infrastructure (multi-functional team of experts, ADR process design, resource support), provide tiered training (awareness), and measure and track usage and success stories. The Air Force has corporate agreements and program specific agreements. His preference is to resolve Air Force-Contractor issues within the Air Force. This allows the Air Force to maintain control over the issues. The Air Force uses nonbinding ADR. He believes it provides leverage. One technique is for each side to develop a notebook of the facts and issues. Then the parties develop a Onebook to resolve the issue. The primary focus of BG Anderson was on claims resolution and not bid protests. I think that we should consider re-energizing our ADR disputes resolution program. AMC could handle a number of contract administration problems in-house as we handle the contract formation ones.

There were also speakers from the ASBCA, GAO (Tony Gamboa), GSBICA, NAVFAC and DOJ.

This group expects to publish guidance materials and model program designs. There is also a plan to have a conference, possibly in conjunction with the ABA in April. BG Anderson thinks that the ADR concept has renewed energy because it has the full endorsement and commitment of the executive branch: the 1998 Presidential Memorandum, Attorney General Reno's letter to 60 agencies, and the Interagency Working Group.

Next meeting is scheduled for December.