

GOVERNMENT CONTRACTS AND LITIGATION SECTION

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The District of Columbia Bar

Committees:

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DC Procurement

January 6, 1987⁸



S10

Hon. Marion S. Barry
Mayor, District of Columbia Government
District Building, Fifth Floor
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Dear Mayor Barry:

This letter is for the purpose of inviting your attention to a problem which has serious and continuing consequences for many contractors with the District Government.

The District of Columbia Procurement Practices Act of 1985 became effective on February 21, 1986. Under section 901 of the Act there was to be established a full time Contract Appeals Board for the District consisting of a chairperson and 4 fulltime members. DC Code 1-1189.1. The Act placed the appointment authority in the Mayor by and with the advice and consent of the Council. DC Code 1-1189.1 (a)(3).

To date almost two years has passed since the effective date of the act and the Board authorized by the law has not been created and no person has yet been nominated as either the chair or a member of the Board. There is a temporary chairman now serving as the sole member of the Board's predecessor but it is evident that this is not an effective substitute. It is the function of the Board to hear and decide all contract disputes between contractors and the agencies of the District. DC Code 1-1189.3 In the absence of a full time Board such disputes remain in abeyance and the claims of the District's contractors go unheard.

The Government Contracts and Litigation Section of the DC Bar and its standing committees supported the enactment of the DC Procurement Practices Act as a significant and forward looking reform governing the District's purchasing activities and its relations with the business community. The provisions of the Act, particularly those calling for the appointment of a full time Contract Appeals Board composed of experienced members qualified in public contract

law, (DC Code 1-1189.2), promised to enhance the District's reputation with contractors and improve the general climate of relations between the District and its suppliers.

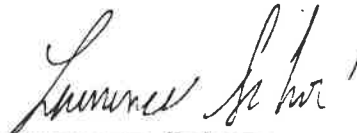
As matters presently stand, however, the opposite is taking place due to the absence of the new Contract Appeals Board. For these reasons we believe that your immediate action to correct the situation is needed.

If there is a dearth of candidates meeting the stringent legal experience qualifications for appointment to the Board, the Section on Government Contracts and Litigation would be pleased to canvass the DC Bar and develop a list of qualified attorneys for appointment consideration.

Sincerely yours,



Gerson B. Kramer
Chair, Standing Committee on
Court and Board Practice



Laurence Schor
Chair, Standing Committee on
DC Procurement



Raymond S.E. Pushkar
Chair, Steering Committee
Government Contracts and Litigation