

May 13, 2003

MEMORANDUM FOR FEDERAL ACQUISITION COUNCIL
AGENCY SENIOR PROCUREMENT EXECUTIVES

FROM: Angela B. Styles (signed)
Administrator

SUBJECT: 2003 Alternative Dispute Resolution Awards in Acquisition

I am pleased to announce the second annual competition to recognize outstanding uses of alternative dispute resolution (ADR) by federal agencies and private companies in acquisition matters. The Office of Federal Procurement Policy (OFPP) established the awards in 2002 as a result of a suggestion of the Contracts and Procurement Section of the Interagency ADR Working Group. Last year's winners were the Air Force, the Army Corps of Engineers, the Federal Aviation Administration, and the Northrop Grumman Corporation.

The competition recognizes agencies and companies that use a variety of consensual techniques to resolve federal acquisition disputes. Appropriate use of voluntary ADR resolves disputes in a manner that is more efficient and timely than traditional litigation processes, while preserving the business relationships between agencies and their private sector partners.

The attached materials provide complete information on award eligibility and selection criteria. This information is also available online at: www.adr.gov. I would appreciate your sharing this announcement with interested agency personnel, including your program managers, office of general counsel, and dispute resolution specialists.

Nominations are due by July 15, 2003. If you have any questions, you may contact Stan Kaufman of my staff at (202) 395- 6810 or at skaufman@omb.eop.gov.

Attachments

1. ADR Award Nomination Requirements
2. Nomination Form

cc: Agency General Counsels

ADR Award Nomination Requirements

Purpose

Traditional dispute resolution through formal administrative procedures and court litigation often imposes a “solution” handed down by a third party, typically after significant expenditures of time and resources. By contrast, ADR is often significantly less costly and time consuming, and can provide long-term solutions to conflicts between federal agencies and private sector contractors.

Outstanding ADR programs are designed to satisfy an organization’s needs and are administered in such a way as to optimize use of resources and to encourage use of ADR as a primary means for resolving disputes. They provide meaningful ADR awareness and skills training for personnel. Not only do such programs achieve significant positive results in terms of fair and expeditious dispute resolution, but they also include appropriate means for measuring and evaluating program effectiveness and success.

The OFPP awards for outstanding ADR programs in acquisition are intended to:

- Recognize federal and private sector organizations that are providing innovative and effective ADR programs to resolve disputes relating to federal acquisitions and contracts;
- Encourage the establishment and improvement of highly effective, voluntary ADR mechanisms throughout the Government and similar initiatives in private industry; and
- Publicize exemplary acquisition-related ADR programs to serve as models of “best ADR practices.”

Nomination Eligibility

- Any department, agency, private sector entity, or component thereof, with the exception of the 2002 award winners, may nominate itself for this award.
- Nominations may describe an entire agency or company-wide program, a regional or installation program, or a facility or office-level program.
- ADR programs may be informal or formal and may involve small organizations as well as large, and new programs as well as more established ones.
- Awards will recognize private sector ADR initiatives as well as ADR programs of federal agencies.

Selection Criteria

The following selection criteria will be applied in evaluating nominations. Accordingly, nominations should address each of the major criteria in some manner. Questions listed are illustrative only. OFPP encourages organizations to focus the discussion supporting their nominations on elements of their programs that have contributed to fair and efficient resolution of acquisition-related disputes, organizational effectiveness, and the fostering of positive relationships between federal agencies and their private sector partners.

- **CRITERION #1 -- Program Design**
 - How is the program designed, and what facilitated its development?
 - What are the goals and objectives of the program?
 - What types of acquisition-related disputes are covered or excluded by the program?
 - What type(s) of ADR technique(s) does the program use?
 - How were obstacles to development of the program overcome?
 - When did the program become operational?

- **CRITERION #2 -- Program Administration**
 - What procedures are used for resolving disputes?
 - How is the program staffed and funded?
 - How is the program publicized and its use encouraged?
 - What procedures are used by the program to obtain the services of neutrals?
 - What criteria does the program use in determining who qualifies as a neutral?

- **CRITERION #3 -- Awareness and Skills Training**
 - How are your personnel trained to recognize when and how to use ADR?
 - Who conducts the training, who receives it, and how are the training costs paid?
 - How does the program evaluate the success of training already provided?
 - How do (could) other agencies or organizations benefit from your training program?

- **CRITERION #4 -- Program Evaluation and Results**
 - What types of records are used to ascertain the benefits of ADR?
 - What concrete cost savings, including staff time, has the program provided?
 - How has the program affected dispute resolution processing times and resolution rates?
 - What types of specific, positive effects can be attributed to the program?

Submission of Nominations

Please submit your nominations, including the attached form, to OFPP. **Nomination program descriptions should be no more than 15 pages.** However, because of delays at the White House complex, please do not mail nomination materials to OFPP. Nominations should be sent electronically to Stanley Kaufman, OFPP, at skaufman@omb.eop.gov, no later than July 15, 2003.

Selection of Award Winners

OFPP, in consultation with the Interagency ADR Working Group, selected a distinguished panel of judges for this year's competition. The judges are The Honorable Mary Ellen Coster Williams, GSA Board of Contract Appeals; Jeffrey M. Senger, Senior Counsel, Office of Dispute Resolution, U.S. Department of Justice, and Thomas J. Stipanowich, President and CEO of the CPR Institute for Dispute Resolution. The judges, who are recognized experts in the ADR field, will review the nominations and make recommendations to the Administrator for Federal Procurement Policy. The Administrator will make the final award decisions, and there will be at least one government and one private sector winner. Winning organizations will be recognized by OFPP in a ceremony to be held in the fall of 2003.

Nomination Form

OFPP AWARDS FOR OUTSTANDING ACQUISITION-RELATED ALTERNATIVE DISPUTE RESOLUTION PROGRAMS

Please type all information requested below and attach a description of the nominated program. The program description must address each of the selection criteria listed in the award announcement. The program description should be limited to no more than 15 pages.

1. Nominee

Name of Agency, Department, or Company

Name of Organization Submitting Nomination

Name of Program Being Nominated

Address

2. Contact person if further information is needed

Name

Title

Address

Telephone No.

Fax No.

E-mail

Nominations must be sent electronically to OFPP by July 15, 2003. The e-mail address is skaufman@omb.eop.gov.