

ADR LAW NOTES



Legal Developments, Issues and Other Matters of Interest Concerning Alternative Dispute Resolution

DLA ADR Homepage at: www.dla.mil/dg/Links.asp or <http://www.dsccl.dla.mil/offices/legal/adr/adr.html>

Defense Logistics Agency ADR Practice Group SPECIAL EDITION AWARDS JUNE 2005

DLA ANNOUNCES WINNER OF THE 2005 DLA ADR AWARD

John E. Rouse, a logistics operations supervisor on a DSCC electrical devices core team, was named as the recipient of DLA's first Alternative Dispute Resolution Award. Lynne Enfield, a paralegal with the Office of Counsel at DDC in Stockton, California; Thomas Dougherty, an attorney with the Office of Counsel at the DSCP; and Sue Ellen Sharp, Chief of the Property Accounting Division at the DRMS were also recognized for their excellent support of the DLA ADR program.

The award was developed to recognize associates who have demonstrated the DLA commitment to use ADR to resolve issues and disputes when unassisted negotiations are unsuccessful. Nominees must have furthered the use of ADR within DLA in at least one of the following ways: encouraging the use of ADR to resolve a dispute effecting DLA; participating in a positive manner in an ADR process involving a dispute within DLA; promoting awareness within DLA of the cost savings from ADR; or reflecting the DLA policy to consider the use of ADR in order to prevent or to address a dispute.

Mr. Rouse's nomination reflected that he was the driving force to resolve a contract dispute by embracing the concepts underlying alternative dispute resolution techniques. He was instrumental in fashioning a result that compared to litigation, was less expensive, less time consuming, less formal, and more sensitive to both the government's and the contractor's concerns and needs.

When faced with a decision to terminate a sole source award for default and then have to reissue another award for the same item to the same sole source vendor, Mr. Rouse recognized that a termination for default, although legally justifiable, would have most likely resulted in a lengthy battle, with a concomitant loss of good will developed over many years.

Consequently, he sought out the vendor's corporate contracting officer, and fashioned a mutually expedient innovative solution that allowed the government to save over \$206,000 and dramatically reduce a delay in obtaining urgently needed parts, while allowing the vendor to save face and remain a productive part of the DLA supply chain. Mr. Rouse's efforts were acknowledged during his award ceremony at DSCC held on May 6, 2005.

DLA WINS THE OFFICE OF FEDERAL PROCUREMENT POLICY'S (OFPP) 2004 ALTERNATIVE DISPUTE RESOLUTION AWARD FOR ACQUISITION

DLA received honors from the President's OFPP by winning its 2004 Federal Acquisition Alternative Dispute Resolution Award. The award ceremony was held April 22, 2005 at the Eisenhower Executive Office Building. Accepting the award for DLA was Bruce Baird, DLA General Counsel; Elizabeth Grant, Associate General Counsel, Acquisition; and Beth Lagana, Associate General Counsel, ADR. The other recipient of the 2004 award was the General Services Administrative Board of Contract Appeals.

The award was established by the OFPP in coordination with the Procurement Executive Council and the Interagency ADR Working Group chaired by the Attorney General to recognize leading examples of innovative, non-litigious conflict resolution practices which advance the federal acquisition culture. DLA was recognized as embodying best practices by including ADR as part of performance evaluations, and by requiring the use of ADR or providing justification why ADR was not used, if unassisted negotiations are not effective.

DLA's ADR philosophy is that constructive, cooperative problem-solving is the best way to avoid and resolve disputes. DLA acquisition ADR efforts have produced approximately \$10.4 million in estimated cost savings, with an approximate 80%

success rate.