



CONSOLIDATION OF THE CIVILIAN BOARDS OF CONTRACT APPEAL

In January 2006, President Bush signed in to law the National Defense Authorization Act for Fiscal Year 2006 (NDAA). Among other important provisions, the NDAA included provisions that will consolidate the various civilian boards of contract appeals into a single board - the Civilian Board of Contract Appeals - which will operate within the General Services Administration. The new Civilian Board shall exercise the same jurisdiction as the existing civilian boards as provided in the Contract Disputes Act (CDA). The new Civilian Board shall also assume any other functions currently performed by the existing civilian boards, to include the conduct of alternative dispute resolution services.

The NDAA provides that any full-time Member of any existing civilian board shall serve as a Member of the new Civilian Board. Accordingly, the current board judges will effectively be transferred to the new Civilian Board.

The consolidation provisions of the NDAA shall take effect in January 2007. At that time, the existing civilian boards of contract appeals shall terminate, and any proceedings pending before these boards upon termination shall be continued by the new Civilian Board of Contract Appeals. Any orders entered or issued by a civilian board before termination shall remain in effect unless and until modified or revoked by the new Civilian Board.

The consolidation provisions of the NDAA do not apply to the Armed Services Board of Contract Appeals, the board of appeals for the Tennessee Valley Authority, and the Postal Service Board of Contract Appeals. Consequently, these boards will not terminate, and their Members will not be transferred to the new Civilian Board.

Please feel free to contact one of the attorneys of P&A in order to discuss how this new law may affect your appeal or potential appeal, or any other related matters.

If you have any questions, please contact Michael Branca at mbranca@pecklaw.com or 202.293.8815.

