

## D.C. CONTRACT APPEALS BOARD

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**NOTICE OF FINAL RULEMAKING**

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The Contract Appeals Board hereby gives notice of the adoption of Chapters 1, 2, and 3 of Title 27, District of Columbia Municipal Regulations. These rules of the Board, which were approved by its members at a meeting on April 12, 1989, provide general rules of practice and provisions governing protests and appeals of contract disputes. Notice of proposed rulemaking was published in the Register on October 28, 1988 at 35 D.C. Reg. 7779 et seq. In response to comments, the rules have been simplified and reorganized to conform more closely to the uniform rules of procedure for federal boards of contract appeals. These rules are effective upon publication of this notice in the Register.

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**100 GENERAL PROVISIONS**

- 100.1 This chapter prescribes the conduct of business of the District of Columbia Contract Appeals Board (Board) by its administrative judges, clerk, and other staff members; the provisions governing protests and appeals of contract disputes, debarments, suspensions, and claims for interest penalties; and the rules of practice before the Board.
- 100.2 The rules set forth in chapters 1, 2, and 3 shall not be construed to extend or limit the jurisdiction or authority of the Board as established by law or by agreement with an independent agency.
- 100.3 These rules shall be incorporated into Chapters 1, 2, and 3 of Title 27 of the District of Columbia Municipal Regulations and shall be cited with the appropriate reference to the publication of these rules in the D.C. Register, indicating the volume number, page number and the date of publication.
- 100.4 The rules in chapters 1, 2, and 3 shall apply to all appeals and protests filed with the Board on or after the date of the publication of the notice of final rulemaking in the D.C. Register and to all further proceedings in appeals and protests pending before the Board at that time.
- 100.5 If, however, the Board determines that the application of a rule in chapters 1, 2, or 3 in a particular case pending before the Board on the effective date of the rules would be impracticable or would work an injustice on a party, the Board may order that all or a portion of the former appeal or protest rules shall apply to further proceedings in the case.
- 100.6 The procedural rules set forth in chapters 1, 2, and 3 shall be construed to obtain the just, expeditious, and inexpensive resolution of every case.

**101 BOARD**

- 101.1 The name of the Board is the District of Columbia Contract Appeals Board.
- 101.2 The Board's membership shall consist of a chief administrative judge (chairperson) and other administrative judges, as provided by law.
- 101.3 Cases before the Board are assigned to panels consisting of three administrative judges for final disposition or decision, except as provided in subsection 215.5.
- 101.4 The administrative judge designated to manage a particular case, pursuant to subsection 102.5, shall have the authority to administer oaths and affirmations, issue subpoenas, rule on

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all interlocutory matters and nondispositive motions, and take other action as is necessary to prepare the case for final disposition or decision.

- 101.5 Except for appeals processed under the small claims (expedited) procedure, as prescribed in section 215, the final disposition of a case shall be made by majority vote of the administrative judges assigned to the panel.
- 101.6 The Board's final decision in a case shall be in writing and based solely on the record. A copy of the decision shall be dated and forwarded to the parties by first class mail.
- 101.7 The Board shall hear and decide, de novo, all cases under its jurisdiction.
- 101.8 If any independent agency wishes to have the Board hear and decide appeals of contract disputes and protests, the Board shall do so only in accordance with a written agreement with the agency. The cost of processing cases involving an independent agency shall be on a reimbursable basis agreed to by the Board and the agency.
- 101.9 Proceedings before the Board shall be conducted at its offices, unless otherwise ordered by the Board.

**102 CHIEF ADMINISTRATIVE JUDGE (CHAIRPERSON)**

- 102.1 The chairperson of the Board shall serve as the Chief Administrative Judge of the Board.
- 102.2 In addition to participating in the hearing of cases, the Chief Administrative Judge shall oversee the administrative activities of the Board and shall provide, within approved budgetary ceilings, for the staffing of the Board with nonmember personnel. These persons shall be responsible to and shall function under the direction, supervision, and control of the Chief Administrative Judge.
- 102.3 In the case of a vacancy in the position of the Chief Administrative Judge, or his or her absence or disability, the administrative judge who has the senior length of service shall serve as the Acting Chief Administrative Judge and exercise all of the authority, duties, and responsibilities of the Chief Administrative Judge.
- 102.4 When by reason of a vacancy, disability, or absence, neither the Chief Administrative Judge nor the member who has the senior length of service is available to exercise the duties of the Chief Administrative Judge, the administrative judge next in length of service shall serve as the Acting Chief Administrative Judge. Should there not be an administrative judge with a senior length of service, the Chief

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Administrative Judge shall designate a Board member to serve as Acting Chief Administrative Judge.

- 102.5 The Chief Administrative Judge shall assign and, as necessary, reassign cases and administrative judges to panels and shall designate one of the panel members as having the lead responsibility for the management of a particular case.
- 102.6 The Chief Administrative Judge may authorize the performance by another administrative judge or Board employee of any function of the Chief Administrative Judge, except that, as provided by law, only administrative judges may hear and decide cases.

**103 BOARD OPERATIONS**

- 103.1 The Board's office shall be open for the transaction of business from 9:00 a.m. until 5:00 p.m., daily, except Saturdays, Sundays, and legal holidays.
- 103.2 Unless otherwise directed by an administrative judge, all pleadings, briefs, motions, and any other submissions to the Board shall be filed at the Clerk's office of the Board during business hours. The Clerk shall be the custodian of the papers.
- 103.3 Upon the receipt of an appeal or a protest, the Board shall stamp the date of filing next to the title of the case and shall stamp the date of filing separately upon each exhibit. If a person filing requests a Board certification, a copy of the submission provided by the person shall be marked to show the time and date of the filing and it shall be initialed by the Board.
- 103.4 The Clerk shall keep and maintain log books listing all incoming pleadings, motions, and other communications to the Board, and all outgoing notices, correspondence, and Board actions; a monthly docket of current cases under the Board's jurisdiction; copies of decisions and final orders of the Board; and copies of the Board's rules.
- 103.5 The logs, case docket, and copies of decisions, final orders and rules shall be available for inspection by the public in the Clerk's office. Copies of Board decisions and final orders shall be available to the public at a reasonable cost.
- 103.6 The outgoing log book shall contain the date of mailing, or delivery, of all papers that are served or delivered.
- 103.7 Cases before the Board shall be assigned consecutive numbers in the appropriate docket books in order of their filing. For ease of identification, the Board shall place, before the case number of every case, the appropriate prefixes, as follows:

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"P" for protest, "D" for dispute, "I" for interest penalties, and "D/S" for debarment/suspension.

- 103.8 Upon request, the Board shall furnish to the public the names of its members, and the identity of the Board members comprising the panel to which a particular case has been assigned.
- 103.9 The Board shall maintain a case docket, updated monthly, which provides the name of the appellant or protester, the name of the contracting agency, the case number, the date the case was filed with the Board, the name of the administrative judge designated to have the lead responsibility, the date of any scheduled hearing on the merits of the case, and an identification of accelerated and small claims appeals.

#### 104 INSPECTION AND REMOVAL OF RECORDS

- 104.1 Case files, containing all pleadings and other records of the case, except as provided by subsection 104.2, shall be available for inspection by the public in the Clerk's office. However, the public may not remove any pleadings or other records from the case file nor remove the case file from the Clerk's office without the express written authorization of an administrative judge.
- 104.2 The Board may order, at the motion of a party, that specific documents or tangible articles be submitted in camera, and not be available for inspection if they contain proprietary pricing or other confidential business data or techniques, or are otherwise privileged or confidential.

#### 105 EX PARTE COMMUNICATIONS

- 105.1 Ex parte communications, as defined in section 399, shall be prohibited.
- 105.2 Excluded from ex parte communications are those that:
- (a) Are specifically authorized by law to be made on an ex parte basis; or
  - (b) Relate to the Board's administrative functions or procedures; or
  - (c) Are matters of public record.
- 105.3 An administrative judge or a staff member of the Board who receives an ex parte communication prohibited by this section, shall immediately report its receipt to the Chief Administrative Judge and prepare a memorandum describing in detail the substance of the communication. The memorandum shall

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be placed in the case file, along with the actual communication if it is in written form. The Board shall provide a copy of the memorandum to all parties.

**106 APPEARANCE AND REPRESENTATION**

- 106.1 In a proceeding before the Board, an individual, receiver or trustee may appear in his or her behalf; a general partner of a partnership may represent the partnership; and an officer of a corporation may represent the corporation. The Corporation Counsel for the District of Columbia shall represent the District. Independent agencies of the District of Columbia may be represented by agency counsel.
- 106.2 A party may be represented in a proceeding by an attorney at law admitted to practice before the District of Columbia Court of Appeals or before the highest court of the state where he or she resides or maintains an office.
- 106.3 An individual appearing before or transacting business with the Board in a representative capacity pursuant to the provisions of subsection 106.1 may be required to establish his or her authority to act in that capacity.
- 106.4 Each person, including an assistant corporation counsel, representing a party in a case pending before the Board shall file with the Board a written notice of appearance containing the following:
- (a) The signature of the representative;
  - (b) The typed or printed name of the representative;
  - (c) The business address and telephone number of the representative; and
  - (d) The name of the party for whom the appearance is made.
- 106.5 The notice of appearance shall become a part of the record.
- 106.6 Each person who has entered an appearance shall be deemed to continue as representative of the named party unless there is filed with the Board any of the following:
- (a) A notice of withdrawal of appearance signed both by the representative and the party; or
  - (b) A notice signed by the party stating that the representation has been concluded, together with proof of service upon the representative; or

(c) A notice of substitution of a representative that conforms to the requirements of subsections 106.4.

106.7 If two or more persons have entered their appearance for a party, service on one representative shall be service on the party, unless one of the representatives has been designated for service.

107 FORM AND FILING OF PLEADINGS, MOTIONS, AND OTHER SUBMISSIONS

107.1 An original and four (4) copies of all protests, agency reports, notices of appeal, complaints, answers, motions, and responses thereto, shall be filed with the Board. There shall be no filing fees. All filings shall contain proof of service, in accord with section 109.

107.2 A filing may be made by mail or hand-delivery. Irrespective of the method used for filing, a submission shall only be considered timely filed if it is actually received in the Clerk's office within the time established by law, regulation, or Board order.

107.3 Notices of appeal, protests, and other pleadings shall, on the first page, contain a caption setting forth the name of the Board, title of the case, and contain a heading under the caption describing the nature of the pleading, motion, or matter being brought to the attention of the Board. The caption and heading shall be in the following format:

DISTRICT OF COLUMBIA  
CONTRACT APPEALS BOARD

[PROTEST] OR [APPEAL OF]:

[NAME OF PROTESTER or APPELLANT] ) CAB No.  
 )  
[ADDRESS OF PROTESTER or APPELLANT] )  
 )  
Under [IFB or RFP] or [Contract] No. )

[HEADING]

107.4 In addition to the requirements of subsection 107.3, the initial filing by or on behalf of a party shall have in the caption the name and full business or residence address of the party. If the party is appearing pro se (without an attorney), the caption shall also include the party's business or residence telephone number.

107.5 A submission signed by an attorney shall contain the name, office address, telephone number, and bar identification number

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of the attorney. Notice of a change in address or telephone number of the attorney, or a party not represented by an attorney, shall be filed within five (5) days of the change.

- 107.6 Unless they are changed by a notice filed with the Board, the address and telephone number of a party or any attorney noted on the first filing shall be conclusively taken as the last known address and telephone number of the party or attorney.
- 107.7 The original of a submission that is filed with the Board shall be signed in ink by the party, its attorney or its authorized representative.
- 107.8 All submissions filed shall be typed (double spaced), reproduced by any duplicating or copying process that produces a clear black image on white 8 1/2 x 11 inch size paper, and fastened at the top.
- 107.9 A submission shall not include documents that are not relevant to the case. Irrelevant documents shall be rejected by the Board.
- 107.10 Submissions that do not conform to the requirements of this section may be rejected either before or after filing. If the submission is rejected after filing, the effect shall be the same as if it had not been filed.

#### 108 SERVICE OF PLEADINGS, MOTIONS, AND OTHER SUBMISSIONS

- 108.1 Except as otherwise provided in the Board's rules or directed by an administrative judge, a pleading, motion, notice, appearance, or other submission filed with the Board subsequent to the filing of an appeal or a protest, shall be served by the filing party upon each party in the case.
- 108.2 Whenever, under the rules of this section or a Board order, service is required or permitted to be made upon a party who is represented by an attorney, the service shall be made upon the attorney.
- 108.3 Service upon a party, or an attorney representing a party, shall occur at the time of hand delivery; or, if by mail, to the address of record, by the postmark date plus three days as prescribed in subsection 122.4.
- 108.4 The Board may waive the requirement of furnishing to other parties copies of bulky, lengthy, or out-of-size documents when the party, by written motion, has shown that service would impose an undue burden. The moving party shall notify the other parties that the documents are available for inspection at the office of the Board.



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**109 PROOF OF SERVICE**

- 109.1 A party filing a document with the Board shall furnish written proof that a copy also has been sent to every other party.
- 109.2 The proof shall show the date and manner of service and may be by written acknowledgement of service, affidavit of the person making service, certificate of an attorney of record, or by other proof satisfactory to the Board.

**110 MOTIONS PRACTICE**

- 110.1 Every application to the Board for an order or other relief shall be by motion.
- 110.2 With the exception of a motion made during a hearing or conference, all motions shall be in writing, unless otherwise directed by the Board. A motion shall be accompanied by a statement of its purpose, the grounds on which it is based, and the reasons for the order or relief sought.
- 110.3 A written motion shall include a proposed order for the Board's signature, a list of all parties, and their current addresses.
- 110.4 A motion shall be accompanied by a memorandum setting forth specific points and authorities to support the motion, including a concise statement of facts material to the issues raised in the motion.
- 110.5 A memorandum of opposing points and authorities may be filed with the Board and served on a party no later than ten (10) days after service of the motion or within a larger or shorter time as the Board may grant or order. If a statement of opposing points and authorities is not filed within the prescribed time, the Board may treat the motion as conceded.
- 110.6 A reply memorandum may be filed by the moving party.
- 110.7 The Board may decide a motion without a hearing, or may order a hearing on a motion upon the application of either party.
- 110.8 Despite the provisions of subsection 110.5, for good cause shown, the Board may act upon a motion at any time without waiting for a response to the motion by the opposing party.
- 110.9 If a moving party fails to appear at a hearing on its motion, the Board may treat the motion as withdrawn and the motion may be refiled only with the permission of the Board. If the opposing party fails to appear at the hearing, the Board may treat the motion as conceded.

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110.10 In addition to the memorandum of points and authorities required by subsection 110.5, a motion for summary judgement shall include a statement of the material facts as to which the moving party contends there is no genuine issue.

## 111 STIPULATIONS

111.1 The parties may stipulate to facts, issues, admission of relevant documents, testimony, discovery procedures, and other matters which may aid in expediting the proceedings in a case, subject to acceptance by the Board. A stipulation, however, may not extend a time limit established by a rule or order of the Board without its approval.

## 112 DISCOVERY

112.1 The Board encourages all parties to engage in voluntary discovery. Discovery documents shall not be filed with the Board unless the Board, on its own initiative or by granting the motion of a party, orders that they be filed.

112.2 After an appeal has been docketed, a party may obtain discovery regarding a matter which is not privileged and is relevant to the case. It shall not be a ground for objection to a discovery request that the information will be inadmissible in the record of the case, if the information appears reasonably calculated to lead to the discovery of admissible evidence.

112.3 A party to a protest or a small claims (expedited) appeal may engage in discovery only to the extent it is acceptable to and ordered by the Board. The Board shall not permit discovery unless it is necessary to advance a fair and expeditious resolution.

112.4 A party may obtain discovery by one or more of the following methods:

(a) Depositions upon oral examinations or written questions;

(b) Written interrogatories;

(c) Requests for production of documents or other tangible things; and

(d) Requests for admissions.

112.5 The use of the discovery methods set forth in subsection 112.4 shall be limited by the Board if it determines that:

(a) The discovery is unreasonably cumulative or duplicative or is obtainable from some other source that is more

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convenient, less burdensome, or less expensive; and

- (b) The discovery is unduly burdensome and expensive, taking into account the needs of the case, amount involved in the controversy, limitations on the parties' resources, and importance of the issues at stake in the case.

**113 FAILURE TO MAKE OR COOPERATE IN DISCOVERY; SANCTIONS**

- 113.1 A party, upon reasonable notice to the other parties affected, may file a motion with the Board for an order compelling discovery.
- 113.2 If a party, officer, director, or other appropriate person fails to obey an order to provide or permit discovery, the Board may make:
  - (a) An order that certain facts shall be taken to be established in accordance with the claim of the moving party;
  - (b) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence; or
  - (c) An order striking pleadings, staying further proceedings until the order is obeyed, dismissing the case or proceeding or any part thereof, or rendering a judgment by default against the disobedient party.
- 113.3 If a party or a party's attorney fails to participate in good faith in the discovery process, after an order by the Board, the Board may, after notice and the opportunity for a hearing, administer such sanctions as it deems just and necessary for the administration of justice.

**114 SUBPOENAS**

- 114.1 A party is expected to cooperate by making available witnesses and evidence under the party's control, when requested by another party, without issuance of a subpoena and by securing the voluntary attendance of third-party witnesses and the production of evidence by third parties.
- 114.2 The designated lead administrative judge pursuant to subsection 102.5 may issue, on his or her initiative or upon written motion of a party, a subpoena that commands the person to whom it is directed to:
  - (a) Attend and give testimony at a deposition;

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- (b) Attend and give testimony at a hearing; and
  - (c) Produce the books, papers, documents, and other tangible things designated in the subpoena.
- 114.3 A request for subpoena shall state the relevancy, materiality and scope of the testimony or documentary evidence sought, including, as to documentary evidence, the identification of all documents desired and the facts to be proved by them in sufficient detail to indicate materiality and relevancy.
- 114.4 The party requesting a subpoena shall arrange for its service. The service shall be made as soon as practicable after the subpoena has been issued.
- 114.5 A subpoena requiring the attendance of a witness at a deposition or hearing may be served at any place consistent with the rules of the D.C. Superior Court. A subpoena may be served by registered or certified mail, by a United States Marshal or his or her deputy, or by any other person who is not a party and is not less than 18 years of age.
- 114.6 The service of a subpoena upon a person named in the subpoena shall be made by personally delivering a copy to that person and tendering the fees for one day's attendance and the mileage allowed by law. However, where the subpoena is issued on behalf of the District government, the fees and mileage allowance need not be tendered in advance of attendance.
- 114.7 The person serving the subpoena shall make proof of the service to the Board promptly and, in any event, before the date on which the person served must respond to the subpoena. The proof of service shall be made by completing and executing the "Return on Service" portion of a duplicate copy of the subpoena issued by an administrative judge and returning it to the Board. If service is made by a person other than a United States Marshal or his or her deputy, that person shall make an affidavit as proof by executing the "Return on Service" in the presence of a notary.
- 114.8 Upon written motion by the person subpoenaed or by a party, made within ten (10) days after service, but in any event not later than the time specified in the subpoena for compliance, the Board may:
- (a) Quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown; or
  - (b) Require the party in whose behalf the subpoena was issued to advance the reasonable cost of producing subpoenaed documentary evidence.
- 114.9 In a case of contumacy or refusal to obey a subpoena by a person who resides, is found, or transacts business within the

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jurisdiction of the D.C. Superior Court, the Board shall apply to the D.C. Superior Court for an order requiring the person to appear before the Board to give testimony, produce evidence, or both. If a person fails to obey the order, without adequate excuse, the Board may apply for an order that the person be held in contempt by the Court.

**115 JURISDICTION**

115.1 The Board at any time may consider the question of its jurisdiction to decide a case.

**116 SUSPENSION OF RULES**

116.1 In the interest of expediting a decision in a case or for other good cause shown, the Board may, except for the time requirements for filing a protest or a notice of appeal, suspend or dispense with the filing requirements and procedural provisions of these rules on the motion of a party or on its own initiative and may order proceedings in accordance with its direction.

**117 RECONSIDERATION**

117.1 A party to an appeal or a protest may by motion request the Board to reconsider its decision or order for the reasons stated below:

- (a) To clarify the decision;
- (b) To present newly discovered evidence which by due diligence could not have been presented to the Board prior to the rendering of its decision;
- (c) If the decision contains typographical, numerical, technical or other clear errors that are evident on their face; or
- (d) If the decision contains errors of fact or law, except that parties shall not present arguments substantially identical to those already considered and rejected by the Board.

117.2 A motion for reconsideration shall be filed within (30) thirty days after the Board's decision or order is transmitted to a party, except as modified by subsection 313.2.

117.3 A motion for reconsideration shall set forth the following:

- (a) The particular points of fact or law which the moving party believes the Board has overlooked or

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misapprehended;

- (b) Any argument the moving party wishes to make in support of the motion; and
- (c) The relief sought and the reasons for seeking the relief.

117.4 A party may file an opposition to a motion for reconsideration no later than thirty (30) days after the motion is served.

117.5 If a motion for reconsideration is granted, the Board may make a final disposition of the case without reargument, permit reargument, or issue an appropriate order regarding further proceedings on the motion.

117.6 A motion for reconsideration does not affect the finality of the Board's decision or suspend its operation except that the Board may stay its decision for good cause shown.

**118 CONSOLIDATION OF CASES**

118.1 When cases involving a common question of law or fact are pending before the Board, it may consolidate the cases in order to avoid unnecessary costs or delay.

**119 SEPARATE DETERMINATION OF LIABILITY**

119.1 The Board may limit a hearing to those issues of law and fact relating to the right of a party to recover, reserving the determination of the amount of recovery, if any, for another proceeding.

**120 BURDEN OF PROOF**

120.1 The burden of persuasion by a party to establish a fact or facts in dispute shall be met by a preponderance of the evidence.

**121 DISMISSAL OF CASES**

121.1 A case may be dismissed by an appellant or protester as a matter of right by filing a notice of dismissal at any time prior to the service of an answer or motion on the appellant or protester, or by filing a stipulation signed by each party.

121.2 A dismissal initiated by an appellant or protester not covered by subsection 121.1 shall be approved by the Board upon terms and conditions as it deems proper.

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121.3 Whenever either party fails to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicate an intention not to continue the prosecution or defense of a case, the Board may issue an order to show cause why the case should not be dismissed for failure to prosecute or defend. If good cause is not shown, the Board may take appropriate action.

121.4 The Board shall specify whether a dismissal is with or without prejudice.

## 122 COMPUTATION OF TIME

122.1 In computing any period of time prescribed or allowed by the rules in chapters 1 through 3 of this title, the day of the act, event, or default from which the designated period of time begins to run shall not be included.

122.2 The last day of each period computed pursuant to 122.1 shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next business day.

122.3 When the period of time prescribed or allowed is (10) ten days or less, intermediate Saturdays, Sundays, and holidays shall be excluded from the computation.

122.4 Whenever a party is required to serve papers or do some act within a prescribed period, and does so by mail, three (3) days shall be added to the prescribed period.

## 123 ENLARGEMENT OF TIME

123.1 The Board, for good cause shown, may enlarge the time prescribed by the Board rules, or by its order, for doing any act, or may permit an act to be done after the expiration of the prescribed time. The Board, may not, however, enlarge the time for filing a protest or an appeal.

## 124 CONTINUANCES

124.1 Any party may move in writing to request a continuance of any scheduled hearing, or to extend the time to file a pleading, or for leave to amend a pleading if the motion is served on opposing parties and the Board at least five (5) days before the hearing or the time limit.

124.2 Continuances shall be approved only for good cause shown.

124.3 Conflicting engagements of counsel, absence of counsel, or the employment of new counsel shall not be regarded as good cause

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for continuance unless set forth promptly.

**125 EVIDENCE**

125.1 The Board shall follow the rules of evidence of the D.C. Superior Court. However, oral and documentary evidence not ordinarily admissible under those rules may be received in evidence at the discretion of the Board.

**126 SANCTIONS**

126.1 If a party or the party's representative fails or refuses to comply with a Board order or rule, or engages in unreasonable or vexatious conduct, the Board may, on its own initiative or on motion of a party, sanction the offending party or representative as it considers necessary to the just and expeditious conduct of the case.

126.2 The Board may deny any party's representative from appearing in a case currently before it if that individual is found by the Board, after hearing, either to be lacking in the requisite qualifications to represent others or to have engaged in unethical, improper or unprofessional conduct.

**127 CONFLICT OF INTEREST**

127.1 Board employees may not engage in outside employment, including the practice of law, that is incompatible with their duties and responsibilities on the Board or as District government employees, as provided in 33 D.C. Reg. 6794 (October 31, 1986), as amended.

**128 SEAL OF THE BOARD**

128.1 The seal of the Board shall be a circular boss, the center portion of which shall depict the flag of the District of Columbia and flag of the United States. The outer margin of the seal shall bear the legend, "CONTRACT APPEALS BOARD, D.C.".

**199 DEFINITIONS**

199.1 The meanings ascribed to the definitions appearing in subsection 399.1 of chapter 3 of this title shall apply to the terms in this chapter.