

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

APPEAL/PROTEST OF:)
)
) CAB No.
Solicitation/Contract No.:)
)
Agency:)

PROTECTIVE ORDER

This protective order limits disclosure of certain material and information submitted in the above-captioned appeal/protest, so that no party obtaining access to protected material under this order will gain a competitive advantage as a result of the disclosure. Material to which parties gain access under this protective order is to be used only for the subject appeal/protest proceedings, absent express prior authorization from the District of Columbia Contract Appeals Board ("Board"). Such authorization must be requested in writing, with notice to all parties.

1. This protective order applies to all material that is identified by any party as protected, unless the Board specifically provides otherwise. This protective order applies to all proceedings associated with the appeal/protest, *e.g.*, supplemental/amended appeals/protests requests for reconsideration, and claims for costs.

2. Protected material of any kind may be provided only to the Board and to individuals authorized by this protective order, and must be in a sealed parcel containing the legend "**PROTECTED MATERIAL ENCLOSED**" conspicuously placed on the outside of the parcel containing the protected information. The first page of each document containing protected material is to be clearly marked as follows:

**PROTECTED MATERIAL
TO BE DISCLOSED ONLY IN ACCORDANCE WITH
DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD**

The party claiming protection must clearly identify the specific portion of the material for which it is claiming protection. Wherever such protection is claimed for an appeal/protest pleading, the party filing the pleading shall submit a proposed redacted version for public release when the protected version is filed.

3. Only individuals who are admitted under this protective order by the Board, and support staff (paralegal, clerical, and administrative personnel) who are employed or supervised by individuals admitted under this order, and who are not involved in competitive decision making for a party to the appeal/protest or for any firm that might gain a competitive advantage from access to information covered by this order. Individuals admitted under this protective order shall advise such support staff, prior to providing them access to protected material, of their obligations under this order.

4. Each party included under this protective order shall receive a single copy of the protected material and shall not duplicate that material, except as incidental to its incorporation into a submission to the Board or as otherwise agreed to by the parties with the Board's concurrence.

5. When any party sends or receives documents in connection with this appeal/protest that are not designated as protected, including proposed redacted versions of protected documents, the party shall refrain from releasing the documents to anyone not admitted under this protective order, including clients, until the end of the second day following receipt of the documents by all parties. This practice permits parties to identify documents that should have been marked protected before the documents are disclosed to individuals not admitted under this protective order.

6. Each individual covered under this protective order shall take all necessary precautions to prevent disclosure of protected material, including but not limited to physically securing, safeguarding, and restricting access to the protected material. The confidentiality of protected material shall be maintained in perpetuity.

7. Within 20 days after the disposition of the appeal/protest(s) (or if a request for reconsideration or a claim for costs is filed, 20 days after the disposition of those matters), all protected material furnished to individuals admitted under this protective order, including all copies of such material, with the exception of a single copy of a protected decision or letter issued by the Board, shall be: (1) returned to the party that produced them; or (2) with the prior written agreement of the party that produced them; or (3) with the prior written agreement of the party that produced the protected material, retained under the terms of this order for such period as may be agreed. Within the same 20-day period, protected pleadings (including copies in archival files and computer backup files) and written transcripts of protest conferences and hearings shall be destroyed, and the destruction certified to the Board and the other parties, unless the parties agree otherwise; video transcripts produced by the Board shall be returned to the Board. In the absence of such agreement and for good cause shown, the period for retention of the protected material under this paragraph may be extended by order of the Board. Any individual retaining material received under this protective order (except for the single copy of a protected decision or letter issued by the Board) beyond the 20-day period without the authorization of the Board or the prior written agreement of the party that produced the material is in violation of this order. The terms of this protective order (except those terms regarding the return or destruction of protected material) shall apply indefinitely to the single copy of the protected decision or letter issue by the Board that is retained by a party admitted under this order.

8. Any violation of the terms of this protective order may result in the imposition of such sanctions as the Board deems appropriate, including but not limited to referral of the violation to appropriate bar associations or other disciplinary bodies, and restricting the practice of counsel before the Board. A party whose protected information is improperly disclosed shall be entitled to all remedies under law or equity, including breach of contract.

Signature Date