

The Board is authorized to hire two full-time attorneys at a salary range between \$95,000-\$123,000 effective October 1, 2014. Pending the formal posting of these positions shortly by the D.C. Department of Human Resources, the Board contemplates the following duties and expectations for incumbents regarding these positions.

PROCUREMENT LAW ATTORNEY (2)

VACANCY: PROCUREMENT LAW ATTORNEY

JOB TITLE: Procurement Law Attorney

SALARY RANGE: \$95,000.00 - \$123,00.00 / Per Year

RESPONSE DATE: Until Filled

POSITION INFO: 2 Vacancies

DUTY LOCATION: Washington, D.C.

INTRODUCTION

This position is located in the D.C. Contract Appeals Board (CAB or Board). CAB is an independent executive branch agency of the District of Columbia government created by the Procurement Practices Reform Act of 2011. The mission of the Board is to provide an impartial, expeditious, inexpensive and knowledgeable forum for hearing and resolving de novo government and contractor appeals from contracting officer final decisions, disappointed bidder protests of a solicitation or award of a District contract, and appeals from debarment and suspension decisions of the Chief Procurement Officer.

The Board's enabling statute is found at D.C. Code § 2-360.01 *et seq.*, and its rules of procedure are found at tit. 27 D.C. Mun. Regs. §§ 100-400. The Board functions in a manner similar to the federal boards of contract appeals, and the U.S. Court of Federal Claims, the General Accounting Office, and the Federal Circuit. Board appeals cases are typically resolved after discovery and pretrial motions have occurred, and a trial has been concluded, during which testimony is given under oath or affirmation and is transcribed. The Board issues written decisions on the facts and law. Decisions in protest cases are often rendered without a hearing or discovery, but are equally demanding in terms of legal research and writing requirements. Board decisions are issued by a panel of at least two Board members, are reported verbatim in the D.C. Register, the major electronic legal databases, and other professional publications, and are used as precedent in other cases.

The purpose of this position is to serve as a primary legal advisor to one or more Board Judges in resolving adjudicated cases involving urgent, sensitive, complex and critical government procurement law matters pertaining to District agencies and/or other entities covered by the Procurement Practices Reform Act.

MAJOR DUTIES

The successful candidate will be an experienced attorney that will conduct legal research and prepare draft recommendations regarding the proper course of action to support CAB Judges in the resolution of bid protests and contract disputes, and debarments and suspension matters. Attorney(s) will be assigned cases and work under a single Judge to responsibly manage all aspects of a case.

Responds on a timely basis, as appropriate, to motions practice, discovery disputes, protective order requests and sealed evidence, and pretrial, trial, and post-trial issues.

Responsible for identifying and preparing materials for Judges for status conferences, bid protest hearings, prehearings, disputes hearings, and alternative dispute resolution as necessary.

Responsible for drafting clearly written, legally sound bid protest and claims dispute decisions in a timely manner, ensuring that they are reviewed, edited, and submitted to Judges in accordance with all applicable law, the available record and prescribed timelines. Reviews and digests comprehensive and complex underlying records associated with case matters and effectively and accurately identifies relevant factual and legal issues for inclusion in decisions.

Handles urgent, sensitive, and confidential legal research, analysis and writing matters for one or more Board Judges. Reviews complex, voluminous and time-sensitive litigation materials, and conducts legal research and prepares written recommendations regarding case matters in response to requests from Board Judges.

Conducts extensive and detailed research of procurement, civil and e-discovery, evidence, civil procedure, and other matters pertaining to procurement laws. Prepares analyses of options and recommendations based upon research findings and communicates results orally and in writing.

Prepares legal memoranda and opinions on complex matters, on an urgent, priority basis for one or more Board Judges.

Monitors cases and, where requested, participates in the resolution of legal problems regarding priority projects.

May be called upon to draft proposed laws and amendments to existing laws, and prepares explanations and justifications for sensitive proposed laws. May be called upon to draft the Board's views on key proposed legislation pertaining to procurement issues as requested by one or more Board Judges.

Reviews drafts opinions and legal memoranda for the Board, and makes comments and recommendations thereon.

Examines and analyzes proposed orders, legislation and other legal documents from various sources for legal sufficiency, both as to form and substance. Performs research, provides oral or written opinions as a result of review.

Prepares memoranda on legal questions and proposals, and drafts preliminary orders and decision for consideration by Board judges.

At the direction of one or more Board Judge, attends and participates in hearings pertaining to proposed procurement matters, and proposed laws or legislation, which may affect existing laws

related to the functions of the Board.

Performs all research and writing support to one or more Judges related to all aspects of case preparation, including, but not limited to case analysis, discovery disputes, issues of evidence and procedure, motions practice, issuance of subpoenas, case management, pre-hearing Orders, post-hearing briefs, and other duties as appropriate.

Keeps abreast of District of Columbia and Federal government contracts law (including case precedent, statutes, and regulations), administrative law, civil procedure and evidence, changes and trends in the law, and advises Board Judges of developments in the pertinent areas of the law on a regular basis. Recommending appropriate courses of action to Board Judges as deemed necessary.

Provides technical guidance and assistance to junior attorneys in areas of special expertise.

Compiles monthly statistical and status reports of assigned matters.

Performs other related duties as assigned.

KNOWLEDGE REQUIRED BY THE POSITION

Mastery of the concepts, laws, theories, principles, practices and techniques of civil procedure, evidence and government procurement law sufficient to practice before the highest court of the District of Columbia; and to advise Board Judges as required. Mastery of trial practice, administrative law, contract law, government procurement laws, regulations and policies and the Blue Book citation system.

Highly developed skills in interpreting and applying legal knowledge in various situations. Master skills in legal analysis and resolution of difficult legal issues in an orderly, systematic and effective manner.

Extensive skills in interpreting and applying applicable laws, regulations and practices, including procurement policies and relevant judicial decisions. Extensive skills in applying sound judgment in review and analysis of matters assigned and deriving logical conclusions.

Mastery of qualitative and quantitative analytic methods and techniques to analyze data and to identify and isolate controlling legal issues from complex factual situations. Highly skilled in negotiating and building coalitions of diverse stakeholders. Mastery of legal advocacy tactics and strategies.

Ability to articulate concerns and positions on extremely sensitive issues both orally and in writing. Superior oral and written communication skills to advise and consult with Board judges and staff, government and non-government personnel, and high-ranking officials; to prepare and present reports; and to assure effective and efficient communication on legal matters.

SUPERVISORY CONTROLS

Works under the general supervision of one or more Board Judges, who provide broad instructions as to the scope of particular assignments in the areas of assigned responsibility. Incumbent consults with one or more Board Judge only on doubtful and complex matters and questions of policy. Due to the competence and experience of the incumbent actual supervision is as determined by the supervising Judge. Legal documents prepared by incumbent rarely need to be given even a cursory review for technical accuracy, completeness, and soundness of presentation.

GUIDELINES

Guidelines include policies and procedures established by the Contract Appeals Board; reported legal decisions and other reference works; government procurement law and regulations, and policies; District of Columbia and Federal Rules of Civil Procedures; administrative, legislative and judicial rules and regulations; and other laws applicable to the District of Columbia; reciprocal agreements and laws; current decisions of local trial and appellate courts, the General Accounting Office, the Court of Federal Claims, the Federal Circuit, the federal boards of contract appeals, and the U.S. Supreme Court. The incumbent demonstrates ingenuity, and sound judgment in interpreting the intent of the guides that do exist and in developing new or innovative approaches or adapting applications to specific problems or areas of the work. The incumbent is recognized as a professional authority in the development and interpretation of guidelines.

COMPLEXITY

Work involves extensive and detailed comprehension of a wide range of technical and legal procedures and guidelines. Incumbent is assigned those measures, which are extremely complex or controversial, and is required to evaluate, effect, and to determine through detailed research whether there are existing precedents relating to said measures. Incumbent must be intricately familiar with and have special expertise on the analysis and legislative history of the District of Columbia procurement laws.

SCOPE AND EFFECT

Purpose of the work is to research, review and analyze facts related to matters assigned, to determine adequacy of evidence to support execution or non-execution of proposed or tentative decisions. Incumbent's performance contributes to the overall effective and efficient accomplishment of procurement transactions in agencies whose disputes, protests, debarment or suspensions are covered by the Procurement Practices Reform Act.

PERSONAL CONTACTS

Personal contacts are with Board staff and Judges, and as directed by Board Judges. Board Judges determine the nature and extent of contacts required, which vary from case to case.

PURPOSE OF CONTACTS

Contacts generally involve obtaining or exchanging factual information related to assigned matters, advising concerned parties of tentative decisions; securing expert advice to support evidence in decisions rendered; and advising interested personnel concerning status of pending matters.

PHYSICAL DEMANDS

Work is predominately sedentary; however, some walking, standing, and bending are encountered.

WORK ENVIRONMENT

The work is performed in an office environment, and courtroom or hearing room setting.

MINIMUM QUALIFICATIONS REQUIRED

- Must be a U.S. citizen
- Must have a J.D. degree from an accredited law school
- Must be an active member in good standing of a state, territory of the United States, District of Columbia, or Commonwealth of Puerto Rico Bar
- Must have at least 1-3 years of experience in local, state or federal procurement litigation.

BOARD CONTACT: Interested applicants must submit a cover letter, resume and writing sample for early consideration pending formal posting of these positions by the D.C. Department of Human Resources (DCHR). Materials must be addressed to either The Honorable Monica C. Parchment or The Honorable Maxine E. McBean, however, separate applications may be submitted to each. All applications submitted for early consideration must be submitted by email only to Jessie.hernandez@dc.gov. Once positions are posted formally by the DCHR, applicants will be expected to formally submit applications to DCHR in accordance with all applicable posting criteria.