

**PART 6101—RULES OF PROCEDURE
OF THE GENERAL SERVICES AD-
MINISTRATION BOARD OF CON-
TRACT APPEALS (STANDARD
PROCEEDINGS)**

Sec.

- 6101.0 Foreword.
- 6101.1 Scope of rules; definitions; construc-
tion; rulings and orders; panels; situs
[Rule 101].
- 6101.2 Time: enlargement; computation
[Rule 102].
- 6101.3 Service of papers [Rule 103].
- 6101.4 Appeal file [Rule 104].
- 6101.5 Filing cases; time limits for filing;
docketing [Rule 105].
- 6101.6 Appearances; notice of appearance
[Rule 106].
- 6101.7 Pleadings in appeals [Rule 107].
- 6101.8 Motions [Rule 108].
- 6101.9 Election of hearing or record submis-
sion [Rule 109].
- 6101.10 Conferences; conference memo-
randum; prehearing order; prehearing
and presubmission briefs [Rule 110].
- 6101.11 Submission on the record without a
hearing [Rule 111].
- 6101.12 Record of Board proceedings [Rule
112].
- 6101.13—6101.14 [Reserved]
- 6101.15 General provisions governing dis-
covery [Rule 115].
- 6101.16 Depositions [Rule 116].
- 6101.17 Interrogatories to parties; requests
for admission; requests for production of
documents [Rule 117].
- 6101.18 Sanctions and other proceedings
[Rule 118].
- 6101.19 Hearings: scheduling; notice; unex-
cused absences [Rule 119].
- 6101.20 Subpoenas [Rule 120].
- 6101.21 Hearing procedures [Rule 121].
- 6101.22 Admissibility and weight of evidence
[Rule 122].
- 6101.23 Exhibits [Rule 123].
- 6101.24 Transcripts of proceedings; correc-
tions [Rule 124].
- 6101.25 Briefs and memoranda of law [Rule
125].
- 6101.26 Consolidation; separate hearings;
separate determination of liability [Rule
126].
- 6101.27 Stay or suspension of proceedings;
dismissals in lieu of stay or suspension
[Rule 127].
- 6101.28 Dismissals [Rule 128].
- 6101.29 Decisions: format; procedure [Rule
129].
- 6101.30 Full Board consideration [Rule 130].
- 6101.31 Clerical mistakes [Rule 131].
- 6101.32 Reconsideration; amendment of de-
cisions; new hearings [Rule 132].
- 6101.33 Relief from decision or order [Rule
133].

- 6101.34 Harmless error [Rule 134].
- 6101.35 Award of costs [Rule 135].
- 6101.36 Payment of Board awards [Rule 136].
- 6101.37 Record on review of a Board decision
[Rule 137].
- 6101.38 Office of the Clerk of the Board
[Rule 138].
- 6101.39 Seal of the Board [Rule 139].
- 6101.40 Forms [Rule 140].

APPENDIX TO PART 6101—FORM NOS. 1-5

Form 1—Notice of Appeal, GSA Form 2465.

Form 2—Notice of Appearance.

Form 3—Subpoena, GSA Form 9534.

Form 4—Government Certificate of Finality.
Form 5—Appellant/Applicant Certificate of
Finality.

AUTHORITY: 41 U.S.C. 601-613.

SOURCE: 61 FR 52349, Oct. 7, 1996, unless
otherwise noted.

6101.0 Foreword.

(a) The General Services Administra-
tion Board of Contract Appeals was es-
tablished under the Contract Disputes
Act of 1978, 41 U.S.C. 601-613, as an
independent tribunal to hear and de-
cide contract disputes between govern-
ment contractors and the General
Services Administration (GSA) and
other executive agencies of the United
States.

(b) As an agency board established
under the Contract Disputes Act, the
Board is required to “provide to the
fullest extent practicable, informal, ex-
pedient and inexpensive resolution of
disputes.” 41 U.S.C. 607(e). The rules in
part 6101 represent the Board’s con-
certed effort to be responsive to this
charge in standard proceedings. In fur-
ther response to this mandate, the
Board also uses a variety of techniques
intended to shorten and simplify, when
appropriate, the proceedings normally
used to resolve contract disputes.
These techniques are described in part
6102.

(c) As indicated in part 6102, the
Board fully supports the use of alter-
native dispute resolution (ADR) in all
appropriate cases. To encourage the
prompt, expert, and inexpensive resolu-
tion of contract disputes as promoted
by the Federal Acquisition Stream-
lining Act of 1994, Public Law 103-355,
108 Stat. 3243, the Board will also make
a Board Neutral available for an ADR
proceeding, as described in 6102.4, ei-
ther before or after the issuance of a
decision by a contracting officer of any

agency if a joint written request is submitted to the Office of the Clerk of the Board by the parties.

(d) The Board also conducts proceedings as required under other laws. In all matters before it, the Board will act in accordance with this part and Part 6102 and applicable standards of conduct so that the integrity, impartiality, and independence of the Board are preserved.

§6101.1 Scope of rules; definitions; construction; rulings and orders; panels; situs [Rule 101].

(a) *Scope.* The rules contained in this part and Part 6102 govern proceedings in all cases filed with the Board on or after October 7, 1996, and all further proceedings in cases then pending, except to the extent that, in the opinion of the Board, their use in a particular case pending on the effective date would be infeasible or would work an injustice, in which event the former procedure applies. The Board will look to the rules in this part and Part 6102 for guidance in conducting other proceedings authorized by law.

(b) *Definitions—(1) Appeal; appellant.* The term “appeal” means a contract dispute filed with the Board. The term “appellant” means a party filing an appeal.

(2) *Application; applicant.* The term “application” means a submission to the Board of a request for award of costs, under the Equal Access to Justice Act, 5 U.S.C. 504, pursuant to 6101.35. The term “applicant” means a party filing an application.

(3) *Board judge; judge.* The term “Board judge” or “judge” means a member of the Board.

(4) *Case.* The term “case” means an appeal, petition, or application.

(5) *Filing.* (i) Any document, other than a notice of appeal or an application for award of costs, is filed when it is received by the Office of the Clerk of the Board during the Board's working hours. A notice of appeal or an application for award of costs is filed upon the earlier of:

(A) Its receipt by the Office of the Clerk of the Board or

(B) If mailed, the date on which it is mailed. A United States Postal Service postmark shall be prima facie evidence

that the document with which it is associated was mailed on the date thereof.

(ii) Facsimile transmissions to the Board and the parties are permitted. Parties are expected to submit their facsimile machine numbers with their filings. The Board's facsimile machine number is: (202) 501-0664. The filing of a document by facsimile transmission occurs upon receipt by the Board of the entire printed submission. Parties are specifically cautioned that deadlines for the filing of cases will not be extended merely because the Board's facsimile machine is busy or otherwise unavailable at the time on which the filing is due.

(6) *Party.* The term “party” means an appellant, applicant, petitioner, or respondent.

(7) *Petition; petitioner.* The term “petition” means a request filed under 41 U.S.C. 605(c)(4) that the Board direct a contracting officer to issue a written decision on a claim. The term “petitioner” means a party submitting a petition.

(8) *Respondent.* The term “respondent” means the Government agency whose decision, action, or inaction is the subject of an appeal, petition, or application.

(9) *Working day.* The term “working day” means any date other than a Saturday, Sunday, or federal holiday.

(10) *Working hours.* The Board's working hours are 8:00 a.m. to 4:30 p.m., Eastern Time, on each working day.

(c) *Construction.* The rules in this part and part 6102 shall be construed to secure the just, speedy, and inexpensive resolution of every case. The Board looks to the Federal Rules of Civil Procedure for guidance in construing those Board rules which are similar to Federal Rules.

(d) *Rulings, orders, and directions.* The Board may apply the rules in this part and part 6102 and make such rulings and issue such orders and directions as are necessary to secure the just, speedy, and inexpensive resolution of every case before the Board. Any ruling, order, or direction that the Board may make or issue pursuant to the rules in this part and part 6102 may be made on the motion or request of any party or on the initiative of the Board.