

Virginia Interagency ADR Council Pilot Presentations

Utilizing ADR in IT Procurement
Virginia Information Technologies Agency

June 29, 2005



Pilot Overview

■ Goals

1. Develop and publish VITA's ADR Procedures
2. Incorporate ADR into VITA Solicitations as a "first step" to resolve contract award protests. Resolve protests using ADR and avoid litigation.
3. Incorporate ADR into VITA IT Contracts as method for resolution of contractual disputes.

■ Participants

Susan Woolley, Director, Supply Chain Management, VITA
Phil Pippert, Associate Director, SCM, Kelley Hellams,
Doug Crenshaw (VITA)
ADR Mentors: Al Bridger, Mark Rubin

Steps Taken

- ADR Procedures Developed and Communicated to Suppliers.
- ADR implemented in VITA IT solicitations and contracts for protests and contractual dispute resolutions.
- VITA to conduct ADR pilot project rules allowing for use of ADR in procurement protests. Use of ADR will toll the filing deadlines in the VPPA. (HB 2054)

Supporting Conditions & Challenges

■ Supporting Conditions & Impact

- ✓ Supportive Administration and Executive Team.
- ✓ VITA Suppliers knowledgeable about ADR and receptive to its use.
- ✓ Existing procurement procedures and Code easily amenable to ADR inclusion.

■ Challenges & Solutions

- ✓ "There's nothing to mediate"
- ✓ Changes to VA Code needed to prevent legal action required concurrently with ADR. (VITA Pilot).
- ✓ Lack of knowledge and understanding among VITA Procurement Staff about ADR required training.

Implementing the New ADR Process

■ How It Works

- ✓ Suppliers agree to submit protest disputes and contract disputes to ADR when responding to a solicitation or signing a contract.
- ✓ If protest appeal denied, supplier and VITA submit protest to ADR before litigation.
- ✓ All contractual disputes must be submitted to ADR before supplier can institute legal action.

■ Roll Out to Stakeholders

- ✓ VITA's ADR commitment shared via website, supplier interaction
- ✓ Continuous training for SCM Staff on ADR utilization

Results Produced

- Better
 - ✓ Promotes Commonwealth and supplier relationships
 - ✓ No expectation of court action
- Faster
 - ✓ Protests and Disputes settled informally and quickly
 - ✓ Expectation among parties is for quick resolution.
- Cheaper
 - ✓ No court action since ADR implemented.
 - ✓ Less resource and personnel intensive than administrative or legal processes.

Lessons Learned

- Have good Mentors and good Mediators – Thank you Al Bridger and Mark Rubin.
- Train Staff well on ADR.
- Be inventive on how ADR can work within your existing processes and procedures.

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