An Ounce of Prevention:
Best Practices in Dispute Avoidance for Government Contracting

TABLE OF CONTENTS

INTRODUCTION
  - Purpose
  - Background
  - Observations
  - Overview of Monograph

CHAPTER ONE – Issue Escalation Clauses
  - What is an Issues Escalation Clause?
  - Where are Issue Escalation Clauses commonly used, and in what context?
  - What are the pros and cons of Issue Escalation Clauses?
  - Where do Issue Escalation Clauses fit on the formal CDA disputes continuum?
  - Samples clauses and websites

CHAPTER TWO – Partnering
  - What is partnering?
  - Where is Partnering commonly used, and in what context?
  - What are the pros and cons of Partnering?
  - Where does Partnering fit on the formal CDA disputes continuum?
  - Sample clauses, agreements, websites and bibliography

CHAPTER THREE – Dispute Review Boards
  - What is a Dispute Review Board?
  - Where are Dispute Review Boards commonly use, and in what context?
  - What are the pros and cons of Dispute Review Boards?
  - Where do Dispute Review Boards fit on the formal CDA disputes continuum?
  - Sample agreements, websites, and bibliography

CHAPTER FOUR – Processes to Watch
  - Dispute resolution as part of postaward conferences/orientations
  - Third party neutral assistance for issues at impasse/claims
  - Administrative initiatives

APPENDIX A
  - List of members of the Task Force on Dispute Avoidance and Early Dispute Resolution

APPENDIX B
  - Items pertaining to Issue Escalation Clauses:
    - B-1: Sample generic commercial clauses
    - B-2: Sample escalation procedures for Army Materiel Command, Armored Security Vehicle Program
B-3: Sample ADR Plan (including escalation procedures) for Air Force Advanced Medium Range Air-to-Air Missile
B-4: Sample generic clause for application service providers

APPENDIX C
Items pertaining to Partnering:
  C-1: Sample agenda for a two-day workshop
  C-2: Sample agenda for a one-day workshop
  C-3: What to look for in a facilitator
  C-4: Sample clauses for solicitations
  C-5: Sample partnering charters

APPENDIX D
Items pertaining to Dispute Review Boards:
  D-1: American Arbitration Association, Dispute Review Board, Three-Party Agreement
  D-2: State of Florida Department of Transportation, Dispute Review Board, Three-Party Agreement
  D-3: DRB Foundation, DRB Guide Specifications

APPENDIX E
Items pertaining to “processes to watch”:
  E-1: DLA Policy on Dispute Avoidance and Alternative Dispute Resolution
  E-2: GSA Memorandum Dated 2/27/95
  E-3: GSA Instructional Letter Dated 3/6/96