

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : April 27, 2018

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, April 25, 2018. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Contract Appeals Board Marc D. Loud, Sr. Confirmation Resolution of 2018", PR22-0848

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee of the Whole. This resolution will be deemed disapproved on Monday, October 1, 2018 without Council action.

Attachment

cc: General Counsel
Budget Director
Legislative Services



2018 APR 25 PM 12:43
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

APR 25 2018

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

In accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), and pursuant to section 1001 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-360.01), I am pleased to nominate the following person:

Mr. Marc D. Loud, Sr.
1439 Holly Street NW
Washington, DC 20012

for reappointment as a member and Chairperson of the Contract Appeals Board, for a term to end July 28, 2022.

Enclosed, you will find biographical information detailing the experience of the above-mentioned nominee, together with a proposed resolution to assist the Council during the confirmation process.

I would appreciate the Council's earliest consideration of this nomination for confirmation. Please do not hesitate to contact me, or Steven Walker, Director, Mayor's Office of Talent and Appointments, should the Council require additional information.

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser".

Muriel Bowser


Chairman Phil Mendelson

at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution,
which was referred to the Committee on _____.

To confirm the reappointment of Mr. Marc D. Loud, Sr. to the Contract Appeals Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
resolution may be cited as the "Contract Appeals Board Marc D. Loud, Sr. Confirmation
Resolution of 2018".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Marc D. Loud, Sr.
1439 Holly Street NW
Washington, DC 20012

as a member and Chairperson of the Contract Appeals Board, pursuant to section 1001 of the
Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C.
Official Code § 2-360.01), for a term to end July 28, 2022.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution,
upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

Marc D. Loud, Sr.

PROFESSIONAL EXPERIENCE

Chief Administrative Law Judge D.C. Contract Appeals Board

August '10 to present

www.cab.dc.gov

Chief Judge of administrative law court that decides contested government contract disputes, protests, debarments/suspensions, and Quick Payment Act Claims under the D.C. Procurement Practices Reform Act. The CAB reviews all matters *de novo*, and presides over numerous trials, hearings, and settlements annually. As Chief Judge, leadership duties include development of strategic vision and policies, development of annual budget, oversight of personnel and technology resources, assignment of cases to panel judges, and development/review of adjudicatory and non-adjudicatory performance metrics. As a Presiding Judge, the Chief Judge also presides over a personal docket that includes rigorous case management, the conduct of orderly trial proceedings, and the issuance of timely written decisions in protest and disputes cases.

Chairman and Member D.C. Board of Zoning Adjustment

Apr '07 to March 2010

www.dcoz.dc.gov

Chairperson and member of the five-member administrative law tribunal that resolves contested land-use and zoning matters under the D.C. Zoning Act and the Foreign Missions Act. The BZA conducts weekly hearings, and renders final administrative decisions in over 165 variance, special exception, and embassy/chancery cases *de novo* annually. Duties included, *inter-alia*, case review, analysis, designation of presiding official in cases, conduct of contested hearings, issuance of rulings on offers of proof/evidence, and approval of final written decisions.

Executive Director Gateway Georgia Avenue Revitalization Corporation

Oct. 2002 to March 2010

Responsible for day-to-day management of non-profit community development corporation with an eight-member Board of Directors. Duties included Storefront Improvement construction contract management, fundraising, budget preparation, financial management, staff/volunteer management, and Board/stakeholder relations. Gateway offered commercial revitalization programs for upper Georgia Avenue in D.C. and Silver Spring, and promoted inter-jurisdictional cooperation. Also managed a Small Business Development program, Main Street program, and Clean/Green services. Gateway also partnered with YACHAD and the D.C. Bar Pro Bono program to acquire and redevelop properties along the upper Georgia Avenue corridor.

- ❖ Raised over \$2.6 Million Through Grant Writing and Partnerships
- ❖ Member, Upper Georgia Avenue Land Use Advisory Panel
- ❖ Prepared Annual Budgets/Work plan For Board Review
- ❖ Led Storefront Improvement, Site Acquisition and Small Business Promotion Projects;
- ❖ Built Partnerships With Elected Officials, Property Owners, Community Organizations, Businesses, Volunteers, and Others To Advance Gateway's Mission
- ❖ Served On Strategic Planning Team, Leading To Completion of 2008-13 Strategic Plan
- ❖ Managed Grant Compliance Process; Hired/Trained & Managed Staff

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Civil Litigation Attorney/Of Counsel
Law Offices of Loud & Loud, Washington, DC (1995-2002)
Cochran & Lotkin, Washington, DC (1993-1995)

Oct. 1993 to Oct. 2002

General civil litigation practice including contracts, negligence, personal injury, and wills/estates. Trial litigation experience in administrative, state and federal courts. Served as plaintiff's counsel in numerous cases, including *Foy v. Giant Food, Inc.*, 298 F.3d 284 (4th Cir. 2002) (interpreting pre-emption clause of the Federal Labor Management Relations Act).

- ❖ Well versed in all aspects of civil trial preparation, discovery, litigation, case management, jury selection, and trial advocacy. Includes litigation in the U.S. Court of Appeals (4th Circuit), U.S. District Court for D.C., U.S. District Court for Southern District of MD, D.C. Superior Court, the Maryland District Court, and the Merit Systems Protection Board.
- ❖ Litigated and Settled Numerous Large Injury Awards For Clients.

Deputy Chief of Staff/Deputy Legal Counsel
Executive Office of the Mayor, District of Columbia Government

March 1992 to Sept. 1993

Helped to manage day-to-day operations in the Executive Office of the Mayor. Provided legal counsel on FOIA, the Hatch Act, and supervised administrative staff. Organized staff meetings; served as liaison to various city agencies. Duties also included membership on Mayor's Ethics Reform Task Force (reviewing revolving-door provisions), and establishment of EOM Employee of the Month program.

- ❖ Served on Mayor's Ethics Reform Task Force
- ❖ Established the Executive Office of the Mayor Employee of the Month Program

Attorney-Advisor/Manager of Agency Programs
Office of the City Administrator, District of Columbia Government

June 1988 to March 1992

Reviewed million-dollar contract awards, and served as City Administrator's lead liaison for D.C. government procurement operations/activities. Supervisor of the City Administrator's "agency programs" unit, which monitored executive agencies' performance goals for procurement, real property, technology, personnel, police, fire, human services, and emergency preparedness. Oversaw outside counsel's finalization of decisions pertaining to employee discrimination.

Law Clerk, The Honorable Paul R. Webber III (retired)
D.C. Superior Court, District of Columbia Courts
Washington, D.C.

June 1985 to June 1986

Conducted legal research and prepared legal memoranda on a wide variety of civil matters, including asbestos litigation, commercial breach of contract, medical negligence, and personal injury.

EDUCATION

Howard University School of Law, Washington, D.C.
Juris Doctor Degree

May 1985

- ❖ American Jurisprudence award for State and Local Taxation (2d Year).

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San Francisco State University
Bachelor of Arts/International Relations

May 1982

Certifications/Memberships/Training/Awards/Other:

Member, D.C. Bar (since 1986)

Admitted to Practice, Supreme Court of the United States of America (since 2011)

Essay, *We the People Reject White Supremacy and Division* (Wash. Post Opinion Page, October 13, 2017)

Vice President, Board of Contract Appeals Bar Association (2015)

Chairman, Board of Contract Appeals Bar Association Annual Meeting Planning Committee (2015)

Panel Chair, Judicial Panel, Board of Contract Appeals Bar Association Annual Conference, October 15, 2014
Secretary, Board of Contract Appeals Bar Association (2013-14)

Member and Vice-President, D.C. Association of Administrative Law Judiciary (2012-13)

Panelist, Board of Contract Appeals Bar Association Annual Meeting, *Alternative Dispute Resolution in Government Contracts*, October 25, 2017

Seminar, Federal Publications Seminars, *Topics in Construction Delays and Scheduling*, September 22, 2016

Panelist, American Bar Association, Section of Public Contract Law, Contract Claims and Dispute Resolution Committee, *Litigating Contract Claims at the State and Local Level*, May 11, 2016

Panelist, Board of Contract Appeals Judges Association, January 19, 2014, *E-Filing at the Boards of Contract Appeals*

Panelist, Board of Contract Appeals Bar Association, *Alternative Dispute Resolution in Government Contract Cases*, December 18, 2013

Panelist, Board of Contract Appeals Judges Association, *Procurement Litigation Pointers*, July 18, 2013

Panelist, D.C. Bar, Administrative Law Section, *Practicing Before D.C. Tribunals*, July 17, 2013

Seminar, Board of Contract Appeals Judges Association, 2013 Practice Update, April 25, 2013

Panelist, Board of Contract Appeals Bar Association, *Managing the Big Case*, October 24, 2012

Seminar, Board of Contract Appeals Judges Association, 2012 Practice Update, April 18, 2012 (Training)

Panelist, Board of Contract Appeals Judges Association Annual Meeting, *Electronic Filing at the Federal and Local Contract Appeals Boards*, January 16, 2012

Seminar, Board of Contract Appeals Bar Association, Annual Trends and Updates in Government Contracting, October 26, 2011 (Training)

Seminar, National Judicial College, Advanced Administrative Law (Judicial Process, Impartiality, Fair Hearings, Decision Making, Judicial Ethics, ADR, Judicial Review, Quality Written Decisions) September 27-30, 2011 (Training)

Panelist, American Bar Association, Section of Public Contract Law, Contract Claims and Dispute Resolution Committee and D.C. Bar Government Contracts Section, *Ask The Judge Luncheon*, June 8, 2011.

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Panelist, Board of Contract Appeals Judges Association Annual Seminar, *Practice Pointers*, April 6, 2011 (reviewed federal rules changes for summary judgment and expert reports) and the new Summary Judgment and Expert Report Rules

Seminar, Bid Protests Practice/Procedure, Federal Publications Seminar Series, October 3-4, 2010 (Training)

Seminar, Mastering Rules of Evidence Series, D.C. Bar Continuing Legal Education Program, August 31 and September 7, 2010 (Training)

Member/ Chairperson, D.C. Board of Zoning Adjustment (April 2007-March 2010)

Co-Chairman, Emory UMC Mixed Use Capital Campaign, (2006-09)

“Financing An Affordable Housing Project From Beginning To End” (2002)(CNHED/HUD)(Training)

“The Art of The Deal: Strategies For Financing And Developing Moderate Income Housing” (2004)(Training)

“Managing Economic Development Organizations” (2004)(International Economic Development Council)(Training)

Real Estate Development Institute, National Trust for Historic Preservation (2006)(Training)

Co-Founder, Justice Harry Blackmun Summer Law College for Teens, United Methodist Church (1997-2006)

Member, Mayor’s Retail Action Strategy Committee (2006-08)

Member, Upper Georgia Avenue Land Use Advisory Panel (2006)

Chairman, Shepherd Elementary School, Local School Restructuring Team (2004-06)

Winner, Ward 4 Citizens Advisory Council, Crime Prevention Initiative Award (2007)

Nominee, Federal City Council, Committee of 100, Urban Revitalization Award (2005)

Winner, American Institute of Architects “Catalyst Award” (on behalf of Gateway)(2004)

Winner, Shepherd Park Citizens Association, Business Advocate Award (2004)

Nominee, Judicial Council, United Methodist Church (1998)

Delegate, African-African American Summit, Harare, Zimbabwe, (1997)

Participant, Community Builders Program, Industrial Areas Foundation, Los Angeles (1996)

Personal:

Married and lives with family in Washington, D.C.



Executive Office of the Mayor - Office of Talent and Appointments
John A. Wilson Building | 1350 Pennsylvania Avenue, Suite 600 | Washington, DC 20004

Marc D. Loud, Sr.



Chief Judge Marc D. Loud, Sr. has served as the Chief Administrative Judge for the District of Columbia Contract Appeals Boards (CAB) since July 2011. During his tenure, Judge Loud has worked with his colleagues to eliminate a backlog of disputes cases and created systems to increase efficiency in case review. A proponent of transparency, Judge Loud established the CAB online trial/pretrial calendar in 2012.

Prior to joining CAB, Judge Loud served as the Chairperson of the District of Columbia Board of Zoning Adjustment (2007-2010) and as the Executive Director of the Gateway Georgia Avenue Revitalization Corporation. Judge Loud has received numerous awards for his civic involvement, including the American Institute for Architects' Catalyst Award and the Shepard Park Citizens Association Business Advocate Award.

A Ward 4 resident, Judge Loud earned a Bachelor of Arts in International Relations from San Francisco State University and a Juris Doctor from Howard University School of Law.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of Mayor Muriel Bowser



Office of the General Counsel to the Mayor

To: Alana Intrieri, Steve Walker
From: Betsy Cavendish
Date: April 13, 2018
Subject: Legal sufficiency review of Resolution nominating Marc D. Loud, Sr. to the Contract Appeals Board

This is to Certify that this office has reviewed the above-referenced Resolution and found it to be legally unobjectionable. If you have any questions in this regard, please do not hesitate to call me at 202-724-7681.

A handwritten signature in cursive script that reads 'Elizabeth A. Cavendish'.

Elizabeth Cavendish