

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

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**TO:** All Councilmembers

**FROM:** Chairman Phil Mendelson  
Committee of the Whole

**DATE:** July 10, 2018

**SUBJECT:** Report on PR 22-848, “Contract Appeals Board Marc D. Loud, Sr. Confirmation Resolution of 2018”

The Committee of the Whole, to which Proposed Resolution 20-407, “Contract Appeals Board Marc D. Loud, Sr. Confirmation Resolution of 2018” was referred, reports favorably thereon, and recommends approval by the Council.

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**I. BACKGROUND AND NEED**

The purpose of PR 22-848, the “Contract Appeals Board Marc D. Loud, Sr. Confirmation Resolution of 2018,” is to confirm the Mayor’s nomination of Judge Marc D. Loud for reappointment to the Contract Appeals Board for a three-year term expiring July 28, 2018, and to reappoint him as Chief Administrative Judge of the Board. Judge Loud is currently a resident of Ward 4.

Judge Marc Loud is currently serving as Chief Administrative Judge for the District of Columbia Contract Appeals Board (“CAB”). His current term will expire on July 28, 2018. Judge Loud has served on the Board since his initial approval by the Council on June 10, 2010.<sup>1</sup>

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<sup>1</sup> PR 18-727 (deemed approved June 10, 2010).

Before his appointment to the CAB, Judge Loud was a member of the Board of Zoning Adjustment from 2007 through 2010 where he gained experience as a member of an appointed administrative decision-making panel. As a member of the BZA, Judge Loud organized hearings, delegated cases, conducted hearings, and ruled on evidentiary and procedural matters. However, unlike the CAB, the BZA is not a full-time position. All of these functions lend themselves to Judge Loud's work on the CAB as its chairperson. In addition to his role with the BZA, Judge Loud was the executive director of the Gateway Georgia Avenue Revitalization Corporation. He also served for 10 years in private general civil litigation firms.

Judge Loud's service with the District government began in 1988 as manager of agency programs within the Office of the City Administrator where he reviewed and approved final administrative decisions on D.C. Human Rights Act cases and provided counsel on Home Rule Act issues and Freedom of Information Act requests. He was also responsible for review of contracts exceeding \$1 million. In 1992, he became Deputy Chief of Staff and Deputy Legal Counsel to Mayor Sharon Pratt Kelly where he helped manage day-to-day operations in the Executive Office of the Mayor, provided counsel on FOIA, Merit Personnel Act, and Hatch Act issues.

Judge Loud is a graduate of the Howard University School of Law where he received his J.D. in 1985. There, he was awarded the American Jurisprudence award for State and Local Taxation. In addition, he received a Bachelor of Arts degree in International Relations from San Francisco State University. He is a member of the D.C. Bar, the Bar of the United States Supreme Court, and Vice President of the Board of Contract Appeals Judges Association.

Judge Loud testified that he has no outstanding taxes, fines, or liabilities due to the District, has no pending litigation or potentially negative items that could distract, and that he fully understands the time commitment needed to serve on the Board. In response to a prehearing question, Judge Loud stated that he has not made any contributions to local political candidates or political action committees in the District in the last five years.

The CAB is an independent executive branch agency established to provide an impartial, expeditious, inexpensive, and knowledgeable forum for hearing and resolving contractual disputes and protests involving the District government and vendors.<sup>2</sup> The Board is comprised of three administrative judges, one of whom is the chairperson. Judges are appointed by the Mayor with the advice and consent of the Council, and serve full-time in the Career Service. Members must be attorneys licensed to practice law in the District and must have at least five years of experience in public contract law.<sup>3</sup> Prior to passage of the Procurement Practices Reform Act of 2010, the CAB consisted of five statutory members, although seats went vacant for years, leaving generally three or fewer active judges at any one time. The terms of all three seats were effectively reset with passage of the PPRA which sets the anniversary date of the swearing in of the first two judges as the date for all subsequent appointments.

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<sup>2</sup> D.C. OFFICIAL CODE § 2-360.03 *et seq.* (2013).

<sup>3</sup> D.C. OFFICIAL CODE § 2-360.02(b) (2013).

**Table A: Membership of the Contract Appeals Board**

Position	Member Name	Council Resolution	Term Expiration
Chief Administrative Judge	Marc Loud	PR 22-848	7/28/2022*
Administrative Judge	Maxine McBean	R 21-336	7/28/2019
Administrative Judge	Monica Parchment	R 22-147	7/28/2021

\* Upon approval of PR 22-848.

The CAB has broad authority over District government contract protests and disputes involving 65 government agencies subject to the Procurement Practices Reform Act of 2010 (PPRA), 54 of which procure through the Office of Contracts and Procurement.<sup>4</sup> The Board does not have jurisdiction over those District entities that are completely independent of the PPRA, including the District of Columbia Council, D.C. Auditor, Public Service Commission, Washington Convention and Sports Authority, Water and Sewer Authority, Not-for-Profit Hospital, Medical Liability Captive Insurance Agency, and Judicial Branch. The Board’s jurisdiction is limited to claims arising under or relating to a contract.<sup>5</sup>

The CAB hears two types of appeals – *protests* which involve a disappointed bidder protesting the award of a contract to another entity, and *disputes*, which are civil actions alleging failure to meet an obligation in a previously awarded contract. Decisions of the Board relating to disputes can be appealed to the D.C. Court of Appeals,<sup>6</sup> while decisions on protests are appealed to the D.C. Superior Court.

By law, *protests* must be resolved within 60 days.<sup>7</sup> It is best practice, according to the Board, that *disputes* be resolved within three years.<sup>8</sup> However, as a result of increased case filings between 2006 and 2010, exacerbated by a vacancy on the Board from 2005 to 2011, the CAB grew a substantial backlog of cases. With the filling of all judge positions by 2011, the addition of staff, and implementing process improvements, the Board has eliminated all dormant cases and all its backlog. The Board considers cases that are three years or older, or those that have had no litigation activity in 18 months.<sup>9</sup>

Judge Loud noted that the number of disputes and protests brought before CAB have generally dropped in the last several years. At the same time, there have been a noticeable number of settlements. In fiscal year 2015, 36 percent of cases were settled, in fiscal year 2016 73 percent were settled, in fiscal year 2017 48 percent of cases were settled, and in fiscal year 2018, to date,

<sup>4</sup> D.C. OFFICIAL CODE § 2-360.03(b) (2013).

<sup>5</sup> D.C. OFFICIAL CODE § 2-360.03(a) *et seq.* (2013).

<sup>6</sup> D.C. OFFICIAL CODE § 2-360.05 *et seq.* (2013).

<sup>7</sup> D.C. OFFICIAL CODE § 2-360.08(d) (2013).

<sup>8</sup> *Contract Appeals Board: Performance Oversight Hearing before the Council of the District of Columbia Committee of the Whole* (Mar. 28, 2018) (oral testimony of Marc Loud, Chief Administrative Judge, Contract Appeals Board).

<sup>9</sup> *Confirmation Hearing before the Council of the District of Columbia Committee of the Whole* (June 28, 2018) (oral testimony of nominee Marc Loud, Chief Administrative Judge, Contract Appeals Board).

88 percent of disputes and 50 percent of protests were settled. The following chart tracks the total number of protests and disputes filed and closed during the last eight fiscal years.

**Table B: Workload and Performance Data**

	<b>Disputes Filed</b>	<b>Disputes Closed</b>	<b>Protests Filed</b>	<b>Protests Closed</b>	<b>Total Cases Closed</b>
<b>FY 2010</b>	35	28	38	38	<b>66</b>
<b>FY 2011</b>	26	30	32	28	<b>58</b>
<b>FY 2012</b>	23	20	30	34	<b>54</b>
<b>FY 2013</b>	28	29	25	29	<b>58</b>
<b>FY 2014</b>	12	52	24	28	<b>80</b>
<b>FY 2015</b>	8	11	18	16	<b>27</b>
<b>FY 2016</b>	4	24	29	24	<b>48</b>
<b>FY 2017</b>	11	25	37	39	<b>64</b>
<b>FY 2018</b>	17	18	20	30	<b>48</b>

Source: Contract Appeals Board correspondence to the Committee

The Committee believes that Chief Judge Loud has made important contributions to the CAB since his initial appointment and will continue to advance the mission of the Board. He has demonstrated clear ability to serve, and according to testimony from colleagues, has served well and in a collaborative manner.

## II. LEGISLATIVE CHRONOLOGY

- April 25, 2018 PR 22-848, “Contract Appeals Board Marc D. Loud, Sr. Confirmation Resolution of 2018,” is introduced by Chairman Phil Mendelson at the request of the Mayor.
- May 1, 2018 PR 22-848 is read at a Legislative Meeting; on this date the referral of the of the proposed resolution to the Committee of the Whole is official and the 90-day period for Council review begins. If this measure is not acted upon by the Council by October 1, 2018, PR 22-848 will be deemed disapproved.
- May 4, 2018 Notice of Intent to Act on PR 22-848 is published in the *District of Columbia Register*.
- May 4, 2018 Notice of a Public Roundtable on PR 22-848 is published in the *District of Columbia Register*.
- June 28, 2018 The Committee of the Whole holds a public roundtable on PR 22-848.
- July 10, 2018 The Committee of the Whole marks-up PR 22-848.

### III. POSITION OF THE EXECUTIVE

Judge Marc Loud is the Mayor's nominee for reappointment to the Contract Appeals Board.

### IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commission.

### V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public roundtable on PR 22-848 on June 28, 2018. The testimony summarized below is from that roundtable. A copy of the testimony is attached to this report.

*Hon. Marc Loud, Chief Administrative Judge, Contract Appeals Board*, testified that his experience with the CAB provides him with the knowledge and expertise to continue his service.

The Committee received no testimony or comments in opposition to the nominee.

### VI. IMPACT ON EXISTING LAW

Members of the Contract Appeals Board are appointed 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) which establishes the Board, and 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).

### VII. FISCAL IMPACT

The Office of the Chief Financial Officer indicates that a Fiscal Impact Statement is not needed for a confirmation. For Fiscal Year 2016, Judge Loud is compensated with an annual salary of \$183,452, plus fringe benefits. The Procurement Practices Reform Act of 2010 provides that members be appointed as administrative judges in the Career Service.

### VIII. SECTION-BY-SECTION ANALYSIS

- Section 1 States the short title of PR 22-848.
- Section 2 Approves the nomination for reappointment of Marc Loud to the Contract Appeals Board as chairman for a term to end on July 28, 2022.
- Section 3 Directs transmittal of the resolution to the nominee and the Mayor.
- Section 4 Effective date.

### IX. COMMITTEE ACTION

### X. ATTACHMENTS

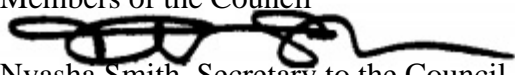
1. Proposed Resolution 22-848 as introduced.
2. Nominee's response to Committee questions.
3. Written testimony and comments.
4. Legal Sufficiency Determination.
5. Committee Print for Proposed Resolution 22-848.

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

Memorandum

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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](http://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](http://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

## **p.2/Loud Resume**

**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 (4<sup>th</sup> 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 (4<sup>th</sup> 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).

p.3/Loud Resume

**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.

**p.4/Loud Resume**

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

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**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'.

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Elizabeth Cavendish



June 19, 2018

The Honorable Phil Mendelson, Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW., Suite 504  
Washington, DC 20012

Dear Chairman Mendelson:

Thanks for your notification dated June 15, 2018, regarding the Committee of the Whole's (COW) scheduled public roundtable on my reappointment as Chairperson of the D.C. Contract Appeals Board ("Board"). Please find enclosed my responses to questions submitted by the COW in preparation for the June 28, 2018, hearing. I look forward to appearing before the COW on **Thursday, June 28<sup>th</sup> at 10:30 a.m.** Please do not hesitate to contact me at 202-727-6597.

1. Please provide a copy of the Financial Disclosure Statement you filed with the Office of Campaign Finance or the Board of Ethics and Government Accountability. If you have not filed a Financial Disclosure Statement, please provide answers to questions 2-8 in lieu of that statement.

**ANS:** Please see the attached Financial Disclosure Statement (FDS). **Because I filed the FDS, I will skip the original questions 2-8, and re-number questions 9-15.**

2. Please list any other boards (e.g. Board of Directors of a non-profit) on which you are a member.

**ANS:** I am not a member of any other Boards.

3. Do you have any outstanding liability for taxes, fees, or other payments to the District, federal, or other state or local governments, either contested or uncontested? If so, please explain or provide documentation of attempts to pay the amount owed or to resolve the disputed claim.

**ANS:** I do not have any outstanding liability for taxes, fees, or other payments to the District, federal, or other state or local governments, either contested or uncontested.

4. Do you or any member of your immediate family have any interest, financial or otherwise, that may directly or indirectly pose a conflict of interest for you in performance of your duties as a member of the Board?

**ANS:** N/A.



5. Please describe any local political activity (i.e. District of Columbia local elections or campaigns) that you have engaged in over the past five years, including any campaign contributions to a local candidate or political action committee.

**ANS: N/A.**

6. Are you registered with any local, state, or federal government to lobby? If so, list the jurisdiction(s) in which you are registered.

**ANS: N/A.**

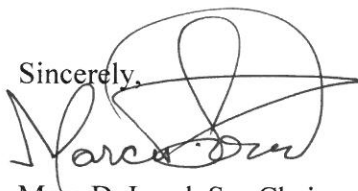
7. Why have you agreed to continue to serve, and how do you plan to help the Board fulfill its role and mission during your time on the Board over the next four years?

**ANS:** I have agreed to serve because public service is an opportunity to give back to the city (and country) that have given me tremendous opportunities for professional advancement. I plan to help the Board fulfill its role and mission over the next four years by ensuring that we have the needed resources at all times to fulfill our mission; prioritizing timely, accurate case closure through rigorous case-management; remaining current with technology trends, and providing the overall leadership and relationship-building that supports high-performance.

8. Please discuss any past and present experiences not already mentioned that you believe are relevant to support your appointment as a member of the Board.

**ANS:** I have served as the CAB Chairperson/Chief Judge since August 3, 2010. During that time, I have presided over the elimination of the Board's historic case backlog (along with my colleagues, Judges Monica C. Parchment and Maxine E. McBean); created five much needed FTE positions to fill longstanding staffing gaps (i.e., Receptionist, Clerk of Court, and three Attorney Advisor positions), provided training opportunities for all CAB personnel, and served as a leader on the CAB, and within several leading government contract/administrative law organizations (i.e., the Board of Contract Appeals Judges Association, the Board of Contract Appeals Bar Association, and the D.C. chapter of the National Association for Administrative Law Judges). Since August 3, 2010, I have also presided over dozens of Contract Appeals Board trials, and written dozens of Board opinions. In addition, I have attached my resume for further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc D. Loud, Sr.", written over a circular scribble.

Marc D. Loud, Sr., Chairman  
D.C. Contract Appeals Board

**FDS Filing Details for 2017**

**Name:** Marc Loud

**Date of Appointment or Employment:** 8/3/2010

**Final Date of Service:**

**Position:** Chief Administrative Law Judge

**Agency:** Contract Appeals Board

Position Held with the District Government During the Prior calendar year (If Not The Same As Above)

**Position:**

**Final Date in Position:**

**Agency:**

**Non District Employment/Business**

1) Did you have any non-District employment or engage in any outside business during the previous calendar year for which you received compensation of \$200 or more?

**No**

2) Was your spouse, registered domestic partner, or dependent child(ren) employed by a private entity or did they engage in any business endeavors during the previous calendar year for which they received compensation of \$200 or more?

Position / Title	Name of Employer	Description of Work	Start Date	End Date	Client Name
Attorney	Self Employed	General Civil Practice	01/02/2017		Miscellaneous

3) Did you serve in any unpaid position (without compensation) as an officer, director, partner, consultant, contractor, volunteer, member or any other fiduciary capacity of a non-government board or other outside entity during the previous calendar year?

**No**

4) Did your spouse, registered domestic partner, or dependent child(ren) serve in any unpaid position (without compensation) as an officer, director, partner, consultant, contractor, volunteer, member or any other fiduciary capacity of a non-government board or other outside entity during the previous calendar year?

Position / Title	Name of Entity	Start Date	End Date
Board Member	Emory Beacon of Light Non Profit Corporation	01/02/2017	

5) During the previous calendar year, did you have any agreements with a former or current employer, other than with the District of Columbia, for future payments or benefits (such as separation pay, partnership buyouts, or pension or retirement pay) or for future employment or for a leave of absence?

**No**

6) During the previous calendar year, did your spouse, registered domestic partner, or dependent child(ren) have any agreements with a former or current employer, other than with the District of Columbia, for future payments or benefits (such as separation pay, partnership buyouts, or pension or retirement pay) or for future employment or for a leave of absence?

**No**

**Securities, Holdings and Investments**

7) Did you have a beneficial interest in or hold any security ("security" means stocks (any class), bonds (including savings bonds and tax exempt bonds), stock options, warrants, debentures, obligations, notes (not mortgage notes), mortgages (not on one's home), investment interests in limited partnerships, REITs, and such other evidences of indebtedness and certificates of interest or participation in any profit-sharing agreement as are usually referred to as securities) at the close of the previous calendar year that exceeded in the aggregate \$1,000 or that produced income of \$200 or more?

List each security and/or beneficial interest you held below	Total Value of Beneficial Interests or Securities at the close of 2017
American Funds	\$100,001 - \$250,000

8) Did your spouse, registered domestic partner, or dependent child(ren) have a beneficial interest or hold any security ("security" means stocks (any class), bonds (including savings bonds and tax exempt bonds), stock options, warrants, debentures, obligations, notes (not mortgage notes), mortgages (not on one's home), investment interests in limited partnerships, REITs, and such other evidences of indebtedness and certificates of interest or participation in any profit-sharing agreement as are usually referred to as securities) at the close of the previous calendar year that exceeded in the aggregate \$1,000 or that produced income of \$200 or more?

List each security and/or beneficial interest you held below	Total Value of Beneficial Interests or Securities at the close of 2017
American Funds	\$100,001 - \$250,000

9) Did you owe any entity or person (other than a member of your immediate family) \$1,000 or more, (excluding: mortgages on your personal residence, student loans, automobile loans, credit card accounts or other revolving credit, and other loans from a federal or state insured or regulated financial institution), during the previous calendar year?

**No**

10) Did your spouse, domestic partner or dependent child(ren) owe any entity or person (other than a member of their immediate family) \$1,000 or more, (excluding: mortgages on personal residences, student loans, automobile loans, credit card accounts or other revolving credit, and other loans from a federal or state insured or regulated financial institution), during the previous calendar year?

**No**

11) Did you have an interest in any real property located in the District during the previous calendar year aside from your primary personal residence, where your interest had a fair market value of more than \$1,000, or where the property produced income of \$200 or more?

**No**

12) Did your spouse, domestic partner, or dependent child(ren) have an interest in any real property located in the District during the previous calendar year, aside from their primary personal residence, where their interest had a fair market value of more than \$1,000, or where the property produced income of \$200 or more?

**No**

**Regulated Professions**

13) Do you hold any professional or occupational licenses issued by the District of Columbia government (i.e., are you licensed to practice law in the District of Columbia, or are you licensed by the District's Department of Health, the District's Department of Consumer and Regulatory Affairs, the District's Department of Mental Health, the District's Department of Insurance Securities and Banking, the Metropolitan Police Department, the District's Occupational and Professional Licensing Administration, etc.)?

Type of License Issued	Issuing Entity
Attorney	DC Bar

14) Does your spouse, domestic partner, or dependent child(ren) hold any professional or occupational licenses issued by the District of Columbia government (i.e., are they licensed to practice law in the District of Columbia, or are they licensed by the District's Department of Health, the District's Department of Consumer and Regulatory Affairs, the District's Department of Mental Health, the District's Department of Insurance Securities and Banking, the Metropolitan Police Department, or the District's Occupational and Professional Licensing Administration, etc.)?

Type of License Issued	Issuing Entity
Attorney	DC Bar

#### Gifts

15) Did you receive any gift(s) (Gift is defined as a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, unless consideration of equal or greater value is received) from any person that has or is seeking to do business with the District, conducts operations or activities that are regulated by the District, or has an interest that may be favorably affected by the performance or nonperformance of your duties in the total amount or with a total value of \$100 or more during the previous calendar year?

No

#### Additional Comments

n/a

#### Supporting Documents

##### I certify that I have:

- Not caused title to property to be placed in another person or entity for the purpose of avoiding the disclosure requirements on the preceding form;
- Filed and paid my income and property taxes;
- Diligently safeguarded the assets of the taxpayers and the District;
- Reported known illegal activity, including attempted bribes, to the appropriate authorities;
- Not been offered or accepted any bribes;
- Not directly or indirectly received government funds through illegal or improper means;
- Not raised or received funds in violation of federal or District law; and
- Not received or been given anything of value, including a gift, favor, service, loan gratuity, discount, hospitality, political contribution, or promise of future employment, based on any understanding that my official actions or judgment or vote would be influenced.

##### I understand that:

- Submission of this report means that I have completed the report with all applicable schedules and that the report is ready for filing with BEGA.
- Once this report is submitted, it cannot be edited. All modifications thereafter can only be done by filing an amendment.

#### Additional Comments

# Marc D. Loud, Sr.

(Office) 202-727-6597

[marc.loud@dc.gov](mailto:marc.loud@dc.gov)

## PROFESSIONAL EXPERIENCE

### **Chief Administrative Law Judge D.C. Contract Appeals Board**

**August '10 to present**  
[www.cab.dc.gov](http://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](http://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

## **p.2/Loud Resume**

**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 (4<sup>th</sup> 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 (4<sup>th</sup> 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).

**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.

**p.4/Loud Resume**

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.





**Public Roundtable on 22-848  
"Contract Appeals Board Marc D. Loud, Sr. Confirmation Resolution of 2018"  
Thursday, June 28, 2018  
Committee of the Whole  
1350 Pennsylvania Avenue, NW., Room 120  
10:30 am**

**Testimony of Marc D. Loud, Sr.**

**Good morning Chairperson Mendelson, members of the Committee of the Whole and staff. My name is Marc D. Loud, Sr., and I have been re-nominated by Mayor Muriel E. Bowser to serve a term as Chairperson of the D.C. Contract Appeals Board pursuant to PR22-848. I wish to thank Mayor Bowser for this nomination, and send her my sincerest gratitude and well wishes as she provides executive leadership in all eight wards of our great city. Likewise Mr. Chair, I extend my gratitude to you for your outstanding leadership of our legislative branch, the years that we have worked well together regarding your oversight of CAB's performance, and for your excellence in convening this hearing today, and scheduling a vote hereon for July 10, 2018. I am profoundly grateful.**

**Mr. Chair, I am a 36 year continuous resident of the District of Columbia, currently living in Ward 4 with my wife. We also raised our children in the District (Ward 4), and both of them will be entering their third year of college in the fall. Prior to living in Ward 4, I lived for brief periods in Wards 1 and 5. I am a proud "Washingtonian" by choice, with a history of active civic engagement in our city. My resume lists this history and in the interest of time, I will not repeat it fully here. I will note, however, that this history includes serving as a member and Chairperson of the D.C. Board of Zoning Adjustment, as Chairperson of the Shepherd Park Elementary School LSRT, as a founder of the Justice Harry Blackmun Summer Law College for Teens program (with the United Methodist Church), winner of the American Institute of Architects' "Catalyst Award" for revitalization efforts along the far northern end of upper Georgia Avenue, and most recently (and for the past eight years) as Chairperson of the D.C. Contract Appeals Board.**

**The Contract Appeals Board serves a dual purpose. With respect to the District and its contracting communities, the Board's role is to decide "protests" and "disputes" promptly, fairly and with expertise such that neither service delivery nor private-sector confidence in doing business with the District is eroded. With respect to the larger public interest, the role of the Board is to give real-time transparency to the manner in which public procurements are conducted through the lens created by individually litigated cases and the prompt posting of case files on our website.**

**First, let me affirm my continuing interest in serving as the Board's Chairman and Chief Judge. Our country and city have provided me with a great education, a fulfilling career in law, and a**

balanced quality of life for which I am genuinely grateful. I am honored to say “thank you” for these blessings by using my education, my experiences, and my hard earned life lessons in public service to the District. In addition to giving back, however, I enjoy the work and the people of the Contract Appeals Board. Nearly every dispute case that I have encountered at CAB is rich in detail with an underlying human story which drives all of the ensuing pleadings, testimony, legal maneuvering, and decision-making rendered by the Board. And the Board’s highly gifted staff is a separate treasure, which is richly diverse across several dimensions (age, ethnicity, geographic origin, hobbies and interests, big firm/small firm/government experience, etc.).

Second, let me state that I am qualified to serve as Chairperson of the D.C. Contract Appeals Board. I have served as the Board’s Chairman since August 3, 2010. During my tenure, the Board has demonstrated clear success in meeting the requirements of our dual purpose. First, the Board has closed a total of 530 cases (including a record 80 in FY14, and 64 in FY17), eliminated 100% of an historic backlog of 42 aged cases, reduced CAB’s overall docket from 165 cases (FY10) to 19 cases at present, worked cooperatively with the Executive and the Council formulating, implementing, and operating within our approved yearly budgets, and secured a sustainable resource base for the office for years to come.

With respect to the Board’s transparency purpose, parties have filed over 277,000 pages of pleading materials with our Board since my initial appointment and except for documents sealed by the Board to protect confidential financial and/or other records, every page has been uploaded to the Board’s website in real-time (i.e., within 2-3 days). Under my leadership, the Board also created its first ever online trial and pretrial calendar, listing all scheduled trials/pretrials along with the Judge to whom the case is assigned and a link allowing users to review all pleadings filed in the case. (The calendar is current through June 2019.)

In addition to the above, I have also been strongly engaged in the intangibles of Leadership over the past 8 years. I oversaw the successful migration of the Board’s 2003 server to OCTO’s Enterprise Cloud and Infrastructure Services system in FY17 and FY16. From FY11-FY15, I created several much needed permanent FTE positions, including basics like a receptionist, three attorney-advisors, and a Clerk of Court. In FY 12, I addressed pay-equity unfairness among administrative staff, securing a much needed raise for the sole CAB female administrative staffer. And in FY11, I oversaw the Board’s move from 717 14<sup>th</sup> Street, NW to its present offices at 441 4<sup>th</sup> Street, NW (One Judiciary Square), including the build-out from scratch of a technology enhanced courtroom, office spaces, and a law library. Each successive step forward has rested on solid overall teamwork.

Further, I have taken advantage of numerous professional development opportunities, serving on dozens of Government Contract panels sponsored by the American Bar Association, the Board of Contract Appeals Bar Association, and/or the D.C. Bar Section on Administrative Law. I have also served as a leader in several government contracts organizations, including the Board of Contract Appeals Bar Association (Vice President/2015, Chairman Annual Meeting Planning Committee/2015, Secretary/2013-2014).

The Committee provided me with a list of questions on June 15, 2018, to which I submitted answers on June 19, 2018. I hereby incorporate these answers into my testimony this morning. Again, I wish to thank Mayor Bowser, the Committee and you Mr. Chair for the expeditious

**consideration of PR22-848. In closing, I also wish to thank my Judicial colleagues, CAB Judges Monica C. Parchment and Maxine E. McBean, and our entire CAB team at 441 for their commitment and constant follow-through performing our mission.**

1 **COMMITTEE PRINT**  
2 Committee of the Whole  
3 July 10, 2018  
4  
5  
6  
7

8  
9 **A PROPOSED RESOLUTION**

10  
11  
12 22-848  
13

14  
15 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**  
16  
17 \_\_\_\_\_  
18  
19

20 To confirm the reappointment of Judge Marc D. Loud, Sr. as a member and Chairperson of the  
21 Contract Appeals Board.  
22

23 **RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,** That this  
24 resolution may be cited as the “Contract Appeals Board Marc D. Loud, Sr. Confirmation  
25 Resolution of 2018”.  
26

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

28 Judge Marc D. Loud, Sr.  
29 1439 Holly Street, N.W.  
30 Washington, D.C. 20012  
31 (Ward 4)  
32

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

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

38 **Sec. 4.** This resolution shall take effect immediately.