

Office of the Secretary, HUD

§ 20.4

REPRESENTATION

- 26. Appellant.
- 27. Government.

DECISIONS

- 28. Decisions.

MOTION FOR RECONSIDERATION

- 29. Motion for reconsideration.

DISMISSALS AND DEFAULTS

- 30. Dismissal without prejudice.
- 31. Dismissal or default for failure to prosecute or defend.

REMAND

- 32. Remand from court.

SANCTIONS

- 33. Sanctions.

MISCELLANEOUS PROCEDURES

- 34. Applicability.
- 35. Time, computation, and extensions.
- 36. Ex parte communications.

AUTHORITY: 41 U.S.C. 601-613; 42 U.S.C. 3535(d).

Subpart A—Department of Housing and Urban Development Board of Contract Appeals

SOURCE: 50 FR 45911, Nov. 5, 1985, unless otherwise noted.

§ 20.1 Scope of part.

This part establishes a Board of Contract Appeals, sets forth its function, policies and procedures regarding matters to be considered by the Board, and prescribes the rules of the Board.

§ 20.2 Establishment of Board.

There is established in the Office of the Secretary, the Housing and Urban Development Board of Contract Appeals ("the Board").

§ 20.3 Organization and location of the Board.

(a) *Location.* The Board is located at 1707 H Street, NW., Eleventh Floor, Washington, DC 20006. Mail and non-postal delivery may be sent to the Board at this address. Mail also may be addressed to: Board of Contract Appeals, U.S. Department of Housing and Urban Development, Room 2131, 451 Seventh Street, SW., Washington, DC

20410-0001. The telephone number of the Board is (202) 254-0000. (This is not a toll-free number.) For learning or speech-impaired persons, this number may be accessed via TTY by contacting the Federal Information Relay Service at 1-800-877-8339. The facsimile number is (202) 254-0011.

(b) *Organization.* The Board shall be comprised of a Chief Administrative Judge, who shall be the Chair, an Administrative Judge, who shall be the Vice-Chair, and such other Administrative Judges as may be appointed by the Secretary. All members of the Board shall be attorneys at law duly licensed by any State, commonwealth, territory, or the District of Columbia. All members shall be selected and appointed to serve in accordance with section 8(b)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 608(b)(1)). Except as otherwise provided, appeals are assigned to a panel of at least three members who decide the case by a majority vote. The Chair shall assign one member of the panel to preside over the appeal and to conduct necessary conferences and hearings, supervise discovery and the development of the record for the Board, and to make such procedural determinations as are necessary to the proper disposition of the appeal.

[50 FR 45911, Nov. 5, 1985, as amended at 61 FR 13280, Mar. 26, 1996; 67 FR 15112, Mar. 29, 2002]

§ 20.4 Jurisdiction of the Board.

(a) *Contract appeals.* The Board shall consider and determine appeals from decisions of contracting officers under the Contract Disputes Act of 1978 (41 U.S.C. 601-613) relating to contracts entered into by (1) the Department of Housing and Urban Development or (2) any other executive agency when that agency or the Administrator for Federal Procurement Policy has designated the Board to decide the appeal.

(b) *Other matters.* The Board or its individual members shall have jurisdiction over other matters assigned to it by the Secretary or designee. Determinations in other matters shall have the finality provided by the applicable statute, regulation or agreement.