

ADR agreement which is deemed to be fair, reasonable, and in the best interest of the parties, the Board, and the resolution of the issue(s) in controversy. The following are descriptions of some available techniques:

(1) *Facilitative mediation.* Facilitative mediations usually begin with a joint session, where the parties each make informal presentations to one another and the ADR Neutral regarding the facts and circumstances giving rise to the issues in controversy as well as an explanation of their respective legal positions. The ADR Neutral, as a mediator, aids the parties in settling their dispute, frequently by meeting with each party separately in confidential sessions and engaging in ex parte discussions with each of the parties, for the purpose of facilitating the formulation and transmission of settlement offers.

(2) *Evaluative mediation.* In addition to engaging in facilitative mediation, if authorized under the terms of the parties' ADR agreement, the ADR Neutral may also discuss informally the strengths and weaknesses of the parties' respective positions in either joint sessions or confidential sessions.

(3) *Mini-trial.* The parties make abbreviated presentations to an ADR Neutral who sits with the parties' designated principal representatives as a mini-trial panel to hear and evaluate evidence relating to an issue in controversy. The ADR Neutral may thereafter meet with the principal representatives to attempt to mediate a settlement. The mini-trial process may also be a prelude to the Neutral's provision of a non-binding advisory opinion (6101.54(c)(4) (Rule 54(c)(4))) or to the Neutral's rendering of a binding decision (6101.54(c)(5) (Rule 54(c)(5))).

(4) *Non-binding advisory opinion.* The parties present to the ADR Neutral information upon which the Neutral bases a non-binding, advisory opinion regarding the merits of the dispute. The opinion may be delivered to the parties jointly, either orally or in writing. The manner in which the information is presented will vary, depending upon the circumstances of the dispute and the terms of the parties' ADR agreement. Presentations may range from an informal proffer of evidence together with limited argument from the parties, to a more formal presentation, with oral testimony, exchange of documentary evidence, and argument from counsel.

(5) *Summary binding decision.* This is a binding ADR procedure similar to binding arbitration under which, by prior agreement of the parties, the ADR Neutral renders a brief written decision which is binding, non-precedential, and non-appealable. As in a procedure under which the Neutral provides a non-binding advisory opinion, the manner in which information is presented for a summary binding decision may vary depending on the circumstances of the particular dispute and the wishes of the parties as set out in their ADR agreement.

(6) *Other procedures.* In addition to other ADR techniques, including modifications to those listed in paragraphs (c)(1) through (c)(5) of this section, the parties may use ADR neutrals outside the Board and techniques which do not require direct Board involvement.

(7) *Selective use of standard procedures.* Parties considering ADR proceedings are encouraged to adapt for their purposes any provisions in 6101.1 through 6101.34 (Rules 1 through 34) of the Board's rules which they believe will be useful.

APPENDIX TO PART 6101—FORM NOS. 1-5

FORM 1, GSA FORM 2465, NOTICE OF APPEAL.

GSA Board of Contract Appeals

Pt. 6101, App.

NOTICE OF APPEAL	DATE	OMB APPROVAL NO. 3090-0221
-------------------------	------	--------------------------------------

TO: Civilian Board of Contract Appeals

I/We hereby appeal the final decision of _____ issued _____
(Name of Contracting Officer) (Date)
 in connection with a dispute under Contract No. _____ This contract was awarded _____
(Date)
 for _____
(Type of commodity, service, or construction)
 by _____
(Name of agency and organizational unit) (City and State)

1. DESCRIBE THE NATURE OF THE DISPUTE INVOLVED IN THE FINAL DECISION AND ANY OTHER CIRCUMSTANCES GIVING RISE TO THIS APPEAL.

2. DESCRIBE THE RELIEF WHICH YOU SEEK INCLUDING AN ESTIMATE OF THE AMOUNT OF MONEY IN CONTROVERSY, IF ANY, AND IF KNOWN:

APPELLANT			ATTORNEY FOR APPELLANT		
NAME			NAME		
TITLE			FIRM		
STREET			STREET		
CITY			CITY		
STATE	ZIP CODE	TELEPHONE NUMBER ()	STATE	ZIP CODE	TELEPHONE NUMBER ()
APPELLANT'S SIGNATURE			ATTORNEY'S SIGNATURE		

GENERAL SERVICES ADMINISTRATION
AUTHORIZED FOR LOCAL REPRODUCTION
 PREVIOUS EDITION NOT USABLE

GSA 2465 (REV. 6/2007)

FORM 2, NOTICE OF APPEARANCE.

Civilian Board of Contract Appeals

SUBPOENA

OMB No. 3090-0221
Expires: 1/31/2007

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Civilian Board of Contract Appeals (G), GSA, Washington, DC 20405; and to the Office of Management and Budget, Paperwork Reduction Project (3090-0221), Washington, DC 20503.

CBCA

Contract/Solicitation No.

TO: _____

YOU ARE HEREBY COMMANDED to appear at _____
(Room Number) (Building)

(Street Number) (City) (State)

at _____ o'clock am/pm (circle one) on the _____ day of _____, _____
(Year)
to testify at a (deposition/hearing) in this case; and to bring with you* _____

and to stay there until given permission to leave. This subpoena is issued at the request of (circle one)
(Appellant/Petitioner/Applicant/Respondent).

Your appearance as ordered by this subpoena will entitle you to receive the fees and mileage provided by 28 U.S.C. § 1821 or other applicable law.

* Strike the words "and to bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose. If testimony by an organization representative or designee is requested, describe with reasonable particularity the matters on which examination is requested.

Upon written request to this Board by you or by a party to this case, which request should be made within 10 days after service but in any event no later than the time specified in the subpoena for attendance, the Board may (i) quash or modify the subpoena if it is unreasonable and oppressive or for other good cause shown, or (ii) require the party in whose behalf the subpoena was issued to advance the reasonable cost of producing subpoenaed books, papers, documents, or tangible things.

_____	_____
(Board Judge)	(Date)
_____	_____
(Representative for Appellant/Petitioner/Applicant)	(Representative for Respondent)
_____	_____
(Date Signed)	(Date Signed)
_____	_____
(Name of Firm)	(Agency)
_____	_____
(Street Address)	(Street Address)
_____	_____
(City, State, Zip Code)	(City, State, Zip Code)
_____	_____
(Telephone Number)	(Telephone Number)

RETURN ON SERVICE

Summoned the above named witness by delivering a copy to him/her (circle one) and tendering to him/her (circle one) the fees for one day's attendance and mileage allowed by law, on the _____ day of

_____, _____, at _____

(Year)

(Address)

(Deliverer)

(Date Signed)

Subscribed and sworn to before me, a _____ this

_____ day of _____, _____

(Year)

(Notary Public)

NOTE: Affidavit not required if service is made by U.S. Marshal or Deputy. Service may also be made by any other person who is not a party and is not less than 18 years of age. Service shall be made by personally delivering a copy to the person named and tendering the fees for one day's attendance and the mileage allowed by law; however, where the subpoena is issued on behalf of the Government, money payments need not be tendered in advance of attendance.

GSA 9534 (REV. 6/2007) BACK

FORM 4, GOVERNMENT CERTIFICATE OF FINALITY.



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

_____ :
 _____ : CBCA _____
 _____ :
 _____ :
Contract/Solicitation No. :
 _____ :

GOVERNMENT CERTIFICATE OF FINALITY

- A. Date claim(s) filed with the contracting officer:
- B. Amount to be paid: \$ _____.
- C. Agency address (regional office if other than central office):
- D. Agency Certification

_____ hereby certifies that:

- (1) it has not initiated and will not initiate any proceeding at the Board for the reconsideration of, or relief from, this award;
- (2) it has not initiated and will not initiate any appeal of this award to the United States Court of Appeals for the Federal Circuit.

Government Agency

_____ **By** _____
Date **Signature and Title**

Note: This format shall be used only as a guide for individual preparation.
 FORM 5, APPELLANT/APPLICANT CERTIFICATE OF FINALITY.



**UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS**

_____ :
 _____ : CBCA _____
 _____ :
Contract/Solicitation No. :
 _____ :

APPELLANT/APPLICANT CERTIFICATE OF FINALITY

- A. Address to which check should be sent (if check is to be sent to counsel, enclose a power of attorney):
- B. Appellant/Applicant Certification

_____ hereby certifies that:

- (1) it has not initiated and will not initiate any proceeding at the Board for the reconsideration of, or relief from, this award;
- (2) it has not initiated and will not initiate any appeal of this award to the United States Court of Appeals for the Federal Circuit; and
- (3) it agrees to accept the amount awarded, plus any interest awarded, in accordance with the Board's decision in this case, in full and final satisfaction of its case.

Appellant/Applicant

Date

By _____
Signature and Title

Note: This format shall be used only as a guide for individual preparation.