

# Virginia Interagency ADR Council Pilot Presentations

Utilizing ADR in IT Procurement  
Virginia Information Technologies Agency

June 29, 2005



# Pilot Overview

## ■ Goals

1. Develop and publish VITA's ADR Procedures
2. Incorporate ADR into VITA Solicitations as a "first step" to resolve contract award protests. Resolve protests using ADR and avoid litigation.
3. Incorporate ADR into VITA IT Contracts as method for resolution of contractual disputes.

## ■ Participants

Susan Woolley, Director, Supply Chain Management, VITA  
Phil Pippert, Associate Director, SCM, Kelley Hellams,  
Doug Crenshaw (VITA)  
ADR Mentors: Al Bridger, Mark Rubin

# Steps Taken

- ADR Procedures Developed and Communicated to Suppliers.
- ADR implemented in VITA IT solicitations and contracts for protests and contractual dispute resolutions.
- VITA to conduct ADR pilot project rules allowing for use of ADR in procurement protests. Use of ADR will toll the filing deadlines in the VPPA. (HB 2054)

# Supporting Conditions & Challenges

## ■ Supporting Conditions & Impact

- ✓ Supportive Administration and Executive Team.
- ✓ VITA Suppliers knowledgeable about ADR and receptive to its use.
- ✓ Existing procurement procedures and Code easily amenable to ADR inclusion.

## ■ Challenges & Solutions

- ✓ "There's nothing to mediate"
- ✓ Changes to VA Code needed to prevent legal action required concurrently with ADR. (VITA Pilot).
- ✓ Lack of knowledge and understanding among VITA Procurement Staff about ADR required training.

# Implementing the New ADR Process

## ■ How It Works

- ✓ Suppliers agree to submit protest disputes and contract disputes to ADR when responding to a solicitation or signing a contract.
- ✓ If protest appeal denied, supplier and VITA submit protest to ADR before litigation.
- ✓ All contractual disputes must be submitted to ADR before supplier can institute legal action.

## ■ Roll Out to Stakeholders

- ✓ VITA's ADR commitment shared via website, supplier interaction
- ✓ Continuous training for SCM Staff on ADR utilization

# Results Produced

- Better
  - ✓ Promotes Commonwealth and supplier relationships
  - ✓ No expectation of court action
- Faster
  - ✓ Protests and Disputes settled informally and quickly
  - ✓ Expectation among parties is for quick resolution.
- Cheaper
  - ✓ No court action since ADR implemented.
  - ✓ Less resource and personnel intensive than administrative or legal processes.

# Lessons Learned

- Have good Mentors and good Mediators – Thank you Al Bridger and Mark Rubin.
- Train Staff well on ADR.
- Be inventive on how ADR can work within your existing processes and procedures.

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