

- identifying the specific dispute prevention processes designed to head off problems, evaluate performance, and promote cooperation.

Features of the partnering method include a joint workshop attended by project managers from both sides at the beginning of the project at which neutral facilitators build the participants into a team.

According to David Lukens, executive director of market services at the Associated General Contractors of America (AGC), more and more firms who contract with the Corps are also choosing to partner with the Corps. "It's almost like a religion now for some agencies," he said. "They've saved so much time and money. It's made contracting more like a business than a legal science."

**Role of Attorneys.** The role of attorneys in the ADR process varies. No attorneys are necessary, although they may become involved as the circumstances dictate and the parties desire. Some ADR techniques like mini-trials actually keep lawyers out of the process, since the final decision by the panel hearing the mini-trial makes its decision generally without the presence of any staff, including attorneys.

### Formal Solutions

There are two legal processes established to try to assure fairness to government contractors. The protest process tries to ensure fairness during contract solicitation. The claims process tries to assure those who get government contracts that the contracts will be administered fairly. Those seeking to do business with the government should find comfort in knowing that the protest and claims processes offer them inexpensive and informal avenues to challenge any government actions that infringe on their rights. If you feel that the solicitation process is not fair, you have several alternative places you can file a "protest."

Two alternatives can be quickly dismissed: a protest to a Federal District Court or a protest to the U.S. Court of Federal Claims. Rarely are protests filed before these courts; the cost of doing so is the main reason. A more realistic alternative for most companies is a protest to the General Accounting Office (GAO), which is an arm of the legislative branch. However, an agency protest, first, to the Corps itself is recommended. If that fails, GAO is the next step.