

BPA Policy 220-2

Binding Arbitration

General Counsel

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220-1.1 Purpose & Background

Alternative dispute resolution (ADR) encompasses a variety of methods that parties may use to resolve disputes without litigation. Arbitration is a private, less formal process in which parties agree to submit a dispute to one or more impartial arbitrators who then render a decision or award. In non-binding arbitration a party is not required to accept the arbitrator's decision. In contrast, a decision or award in binding arbitration is final and subject only to very limited rights of appeal. See Federal Arbitration Act, 9 U.S.C. §§ 1-16 (FAA). Both types of arbitration can provide benefits to BPA, its customers, and other stakeholders including the public, such as greater flexibility, limited discovery, a streamlined hearing process, use of subject-area expert arbitrators, and finality.

BPA created this policy in compliance with the Administrative Dispute Resolution Act, 5 U.S.C. §§ 571-584, which requires an agency to have such a policy before it can use binding arbitration. This policy was approved by both the U.S. Department of Energy (DOE) and the U.S. Department of Justice (DOJ), and became effective on October 9, 2009.

This policy shall not be amended without extensive review and approval by DOE and DOJ.

220-1.2 Policy Owner

The Executive Vice President, General Counsel provides overall management of this policy and is responsible for monitoring, evaluating, and proposing revisions to this policy.

220-1.3 Applicability

All BPA employees.

220-1.4 Terms & Definitions

Refer to the attached, Guidance on the Use of Binding Arbitration for BPA Contracts.

220-1.5 Policy

- A) Refer to the attached, Guidance on the Use of Binding Arbitration for BPA Contracts.
- B) [Guidance on the use of Binding Arbitration.](#)

220-1.6 Policy Exceptions

None

220-1.7 Responsibilities

Refer to the attached, Guidance on the Use of Binding Arbitration for BPA Contracts.

220-1.8 Standards & Procedures

Refer to the attached, Guidance on the Use of Binding Arbitration for BPA Contracts.

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220-1.9 Performance & Monitoring

Compliance with this policy is monitored by the Office of General Counsel and reported annual to Department of Energy's Office of General Counsel.

220-1.10 Authorities & References

A. U.S.C. 5 §§ 571-584.

B. The Administrative Dispute Resolution Act of 1996 (ADRA).

220-1.11 Review

This policy is scheduled for review in 2019.

220-1.12 Revision History

| Version | Issue Date | Description of Change |
|---------|------------|--------------------------|
| 2 | 12/18/2014 | Format into new template |

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