

**ARMED SERVICES BOARD OF CONTRACT APPEALS  
GUIDANCE FOR SUBMISSION OF APPEAL FILES AND EXHIBITS  
IN ELECTRONIC FORM**

February 1, 2019

1. *Background.* This guidance is provided to assist parties who seek to file, in electronic form, appeal files, hearing exhibits, and exhibits to legal memoranda. This guidance shall be read consistently with Board Rule 2(a)(3).<sup>1</sup>

2. *Applicability.* The guidance applies to the submission for filing of documents listed below, other than classified documents.

A. Appeal files pursuant to Rule 4;

B. Hearing exhibits;

C. Exhibits to legal memoranda where the number of exhibits submitted for filing is greater than 5, *or* where total exhibit size is greater than 10 megabytes. If filing five or fewer exhibits *and* the total exhibits size is less than 10 megabytes, the exhibits may be filed by email in accordance with Rule 2(a)(3).

3. *Guidance.*

A. The documents to be filed must be submitted for filing on computer discs (DVDs or CDs), which may be encrypted with password protection. If encryption is used, documents shall be saved in a .zip file format using the level of encryption specified by your organization, but shall not require the installation or use of third-party executable files or programs to decrypt. Individually encrypted files are not allowed. The documents shall not be filed as email attachments, nor shall they be submitted on thumb drives, flash drives, or other media requiring connection via USB port.

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<sup>1</sup> Board Rule 2(a)(3) provides:

Electronic Mail – Documents, except appeal files submitted pursuant to Rule 4, hearing exhibits, classified documents, and documents submitted *in camera* or under a protective order, may be filed via electronic mail (email). Email attachments should be in PDF form and the attachments may not exceed 10 megabytes total. The transmittal email should include the ASBCA docket number(s), if applicable, and the name of the appellant in the “Subject:” line. Filing occurs upon receipt by the Board’s email server. When a document is successfully filed via email, the document should not also be submitted by any other means, unless so directed by the Board. Submit emails to: asbca.recorder@mail.mil.

- B. The filing party shall file a hard copy cover letter together with an index identifying the documents that have been submitted for filing.
- C. The filing party shall label the computer disc and its case or enclosure with the name of the appeal, appeal numbers, the party submitting the filing, the name of the filing, and date of filing. (*E.g., Schmoe, Inc., ASBCA No. 12345; Gov't R4, tabs x-xx; 30 March 1965*).
- D. The documents shall be organized to the extent practicable in accordance with Rule 4(c), *i.e.*, each document shall have a unique tab or exhibit number, the documents shall be arranged chronologically where practicable, and each page of each document shall be numbered.
- E. Documents shall be formatted in separate, searchable PDFs, if possible with electronic bookmarks or an interactive table of contents to mark each tab or exhibit. Each PDF or bookmark shall be named with the tab or exhibit number, brief document description, and date of the document (if available) (*e.g., Tab 23, Modification P0001, 3.11.2011.pdf*).
- F. Each disc shall contain an index of the entire submission. The index shall be in searchable PDF format, separate from other documents, and so labeled.
- G. Parties may suggest, or the Board may order, modifications to these guidelines to accommodate the circumstances of particular appeals. The Board may, for example, require submission of documents in native format, or submission of documents as a single PDF, or submission of hard copies.
- H. *DO's and DON'Ts.*
  - 1. DO contact the Board with any questions.
  - 2. DO submit documents in searchable PDF format.
  - 3. DON'T file classified documents without first obtaining permission and instructions from the Board.
  - 4. DON'T submit computer discs with individually encrypted files or files that require passwords.
  - 5. DON'T submit computer discs with one-time passwords or passwords with an expiration, or that require the installation or use of third-party executable files or programs to decrypt.
  - 6. DON'T submit "fillable" PDFs.