

## CLIENT ALERT

### Contractor Team Arrangement Member Has Privity to Pursue Claims Against the Government

Jan.03.2011

In *Lockheed Martin Aspen Med Services, Inc. v. Dept. of Health and Human Services*, CBCA No. 2054 (Dec. 8, 2010), the Civilian Board of Contract Appeals made clear that a member of a Contractor Team Arrangement ("CTA") performing a GSA/VA Federal Supply Schedule contract had privity with the government for purposes of pursuing a claim under the Contract Disputes Act. The ordering agency had moved to dismiss the claim for lack of jurisdiction, but the Board distinguished the CTA arrangement from a joint venture agreement, where prior case law has held that only the joint venture entity and not an individual member has privity with the government, on the basis that the CTA member had its own GSA Schedule contract, it reported its sales and paid the corresponding Industrial Funding Fee directly to GSA, and the government dealt directly with the CTA member concerning its contract performance.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

**Marc F. Efron**

Retired Partner – Washington, D.C.

Email: [mefron@crowellretiredpartners.com](mailto:mefron@crowellretiredpartners.com)