

CLIENT ALERT

ASBCA Hears Past Performance Evaluation Challenges

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In *Appeal of Colonna's Shipyard, Inc.* (June 24, 2010), the ASBCA confirmed, consistent with recent CFC decisions in *Todd Construction, L.P. v. U.S.*, 88 Fed. Cl. 34, 235 (2008), that it has jurisdiction to review claims challenging inaccurate past performance evaluations under the Contract Disputes Act. Thus, the way is clear for contractors to challenge DOD past performance evaluations in either forum.

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

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