

Client Alert

Boards' CDA Jurisdiction Does Not Extend To Third-Party Beneficiaries

June 30, 2009

Reversing the ASBCA decision, 08-1 BCA ¶ 33,793 (2008), the Federal Circuit holds in *Winter v. FloorPro, Inc.* (June 26, 2009), that the ASBCA does not have jurisdiction to hear claims brought by third-party beneficiaries, because they are not "contractors" under the Contract Disputes Act. The Federal Circuit distinguishes its prior holding that the Court of Federal Claims does have jurisdiction to hear claims by third-party beneficiaries, observing that jurisdiction granted to the CFC under the Tucker Act is "broader than the Board's jurisdiction under the CDA."

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

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