

# CLIENT ALERT

## CFC Dismisses Adverse Past Performance Challenge

June 29, 2010

In *Kemron Envtl. Servs., Inc. v. U.S.* (May 27, 2010), the Court of Federal Claims dismissed the contractor's complaint that the government issued an unfair, inaccurate, and unreasonable evaluation of its performance, finding that the contractor had failed to meet a jurisdictional prerequisite required by the Contract Disputes Act: that it file a "claim" with the contracting officer. Though the contractor engaged in a series of written and electronic communications with various individuals at the agency expressing its disagreement with its past performance evaluation, the Court concluded that none of the communications constituted (1) "a written demand seeking . . . other contract relief[] . . . as a matter of right" (2) "submitted to the contracting officer for a decision."

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

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