

CLIENT ALERT

Court Of Federal Claims Examines Contracting Authority

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Following a recent Federal Circuit decision, *Winter v. Cath-Dr/Balti Joint Venture* (Aug. 17, 2007), which held that a contractor cannot rely on a government agent's implied authority when the contract "explicitly and exclusively" assigns the particular function to the CO, the Court of Federal Claims reaffirmed the viability of implied authority in *Stevens Van Lines v. U.S.* (Jan. 23, 2008). In *Stevens*, Senior Judge Smith held that a government official has implied authority to bind the government when "such authority is considered to be an integral part of the duties assigned" to that employee and when the power to contract is "appropriate or essential" to the performance of the employee's duties.

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

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