

CLIENT ALERT

Eleventh Circuit OK's Suspension of Affiliates Beyond 18 Months

January 8, 2014

In *Agility Def. & Gov't Servs. v. Dep't of Def.* (Dec. 31, 2013), the Eleventh Circuit reversed the judgment below and held that when an agency suspends a contractor it may suspend affiliates of that contractor for greater than 18 months based solely on their affiliation provided legal proceedings have been initiated during that period against the contractor. The district court had held that the regulations required affiliation-based suspensions to be lifted after 18 months unless legal proceedings had been initiated against the affiliates themselves, but the Eleventh Circuit held that affiliates are afforded sufficient due process and that no independent showing of wrongdoing by an affiliate is required for suspension or debarment.

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

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