

CLIENT ALERT

Federal Circuit Affirms Contractor's \$113 Million Award from ASBCA

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In another decision in the long-running saga that has bounced between the ASBCA and the courts for twelve years concerning a non-appropriated fund contract under which SUFI installed telephones in Air Force lodgings at bases in Germany (and has been represented by Crowell & Moring), the Federal Circuit in *SUFI Network Servs., Inc. v. U.S.* (Mar. 29, 2016) rejected DOJ's "mandate compliance" challenge to the ASBCA's opinions on remand awarding SUFI more than \$113 million in additional damages for multiple breaches of contract committed by the Air Force. The court held that DOJ has no independent right to complain of the Board's awards accepted by the contractor and, nevertheless, found meritless DOJ's assertions that the Board had failed to heed the court's directives, instead affirming the CFC's dismissal of DOJ's challenge and its order that DOJ instruct the Air Force to pay SUFI's award.

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

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