

CLIENT ALERT

NAFI Contractor Goes Straight to Court When CO Fails to Issue Final Decision

January 24, 2012

In *SUFI Network Servs., Inc. v. U.S.* (Jan.17, 2012), the Court of Federal Claims denied the government's motion to dismiss for lack of jurisdiction, relying on the Federal Circuit's decision in *Slattery v. U.S.*, 635 F.2d 1298, 1321 (Fed. Cir. 2011) (en banc), that the court has Tucker Act jurisdiction over all NAFI disputes. The court also found, in this non-CDA matter, that the CO had materially breached the contract's Disputes clause by failing to provide a final decision on SUFI's claim within a reasonable time, excusing SUFI from going to the board first, as the clause specified. For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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