

CLIENT ALERT

Recourse For Negative Past Performance Evaluation

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In *Todd Construction, L.P. v. U.S.*, 85 Fed. Cl. 34 (2008), the CFC affirmed its jurisdiction over a claim challenging an agency's past performance evaluation brought under the Contract Disputes Act. John McCarthy and Addie Cliffe of C&M have authored a pair of articles "Revisiting the Past: *Todd Construction, Inc v. U.S.* and Judicial Review of Past Performance Evaluations, Part I," (and Part II) which, in the first, address the jurisdictional issue and applicable standard of review and, in the second, explore the remedies available to the court to cure any deficiencies encountered (an issue not addressed by the court in its jurisdictional decision).

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

John E. McCarthy Jr.

Partner – Washington, D.C.

Phone: +1 202.624.2579

Email: jmccarthy@crowell.com

Adelicia R. Cliffe

Partner – Washington, D.C.

Phone: +1 202.624.2816

Email: acliffe@crowell.com