

MEDIA MENTION

Paul Khoury Discusses Ramifications of Federal Circuit's BPA Decision

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Paul F. Khoury, a partner in Wiley Rein's Government Contracts Practice, was quoted yesterday in a *Law360* article about how a Federal Circuit ruling could affect blanket purchase agreements (BPAs) often relied on by the government and contractors.

The Federal Circuit, agreeing with an earlier decision by the Court of Federal Claims, ruled Thursday that Crewzers Fire Crew Transport, Inc., could not sue the U.S. Forest Service under the Tucker Act for cancelling a BPA for fire-prevention equipment because there were no binding terms in the contract. The decision could lead to a rethinking of the procurement process, as contractors and government officials may be leery of using agreements that can be easily rescinded.

Mr. Khoury told *Law360* that unless a BPA includes some minimal obligations on behalf of both parties, it is simply a mechanism to facilitate future binding task or delivery orders. "You've got to understand what your BPA does for you," Khoury said. "If it does not obligate the government to buy a dime's worth of services, and it doesn't obligate the contractor to provide a dime's worth of service, then there's nothing enforceable there."

Related Professionals

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Practice Areas

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