

## **BOARDS CANNOT GRANT INJUNCTIVE RELIEF**

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The jurisdiction of the Boards of Contract Appeals is limited, and a recent case reminds us that Boards cannot grant injunctive relief or specific performance. *BVB Const., Inc v. Dept of Veterans Affairs.*, CBCA 6318, Feb. 12, 2019. The appellant sought relief which the Contract Dispute Act does not grant to the Boards.

BVB sought to recover extended overhead costs based on project delays. Its complaint alleged breach of contract, breach of the duty of good faith and fair dealing, and negligence on the part of the government. During the course of the appeal, BVB moved for a temporary restraining order and preliminary injunction barring the agency from terminating the underlying contract for default while this case was pending.

Without waiting for a response from the agency, the board denied the request for the temporary restraining order and preliminary injunction, citing *The Writing Co. v Dept of the Treasury*, GSBCA 15097-TD, 00-1 BCA ¶ 30,840, and noting that the “Board Lacks the authority to issue the restraining order and the injunction.” In *The Writing Co.*, the Board specifically held that Boards of Contract appeal lack jurisdiction over suits seeking injunctive relief or for specific performance.

After denying the injunctive relief, the Board noted that it would proceed with the appeal for overhead costs.

Takeaway. It is pointless to seek specific performance or injunctive relief at a Board of Contract Appeals. The Contract Disputes Act does not grant them authority to grant such relief, and your request will be denied, or if appropriate, dismissed.

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