



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED FOR LACK OF JURISDICTION: June 7, 2019

CBCA 6491

COMPUTER INTEGRATION & PROGRAMMING SOLUTIONS CORP.,

Appellant,

v.

DEPARTMENT OF JUSTICE,

Respondent.

Ravi Bhutani, President of Computer Integration & Programming Solutions Corp., Bethesda, MD, appearing for Appellant.

Susan Colarco, Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Washington, DC, counsel for Respondent.

Before Board Judges **VERGILIO**, **KULLBERG**, and **O'ROURKE**.

VERGILIO, Board Judge.

On May 23, 2019, the Board received from Computer Integration & Programming Solutions Corp. (contractor) a notice of appeal concerning a contract with the Drug Enforcement Administration of the Department of Justice (agency). In the underlying claim, the contractor seeks in excess of \$100,000. The contracting officer issued a decision denying the claim, in part. The claim lacked a certification; the claim did not contain a defective certification.

With a reference to statute, 41 U.S.C. § 7103(b) (2012), and the case cited below, the agency has moved to dismiss for lack of jurisdiction, because a proper claim (and contracting officer's decision) is lacking. Included in its opposition to the motion, the contractor provided a certification of its claim. The contractor acknowledges that it did not provide a formal certification with its claim. In asking for the Board to deny the motion and resolve

its appeal, the contractor faults the contracting officer for not pointing out that the claim was not certified and references the statutory provision that addresses a failure to certify or defective certification. A defective certification may be corrected prior to the entry of final judgment; the statute makes no such correction available when no certification is provided. 41 U.S.C. § 7103(b)(3); *Greenbriar Valley Economic Development Corp. v. Department of Veterans Affairs*, CBCA 5897, 18-1 BCA ¶ 37,068. The certification requirement rests on the contractor; that the contracting officer failed to specify that a certification was lacking does not create jurisdiction here.

Decision

The Board does not reach the merits of the appeal; instead, the appeal is **DISMISSED FOR LACK OF JURISDICTION**.

Joseph A. Vergilio
JOSEPH A. VERGILIO
Board Judge

We concur:

H. Chuck Kullberg
H. CHUCK KULLBERG
Board Judge

Kathleen J. O'Rourke
KATHLEEN J. O'ROURKE
Board Judge