

A federal agency solicited bids to build a bridge on an interstate highway. In evaluating the bids, the agency took into account the cost of the bridge and other specified factors.

A construction company submitted a bid that was lowest in cost, but the agency chose another bidder that offered more advantages on the other factors. The company that submitted the lowest bid sued the federal agency in federal district court. The only relief that the company sought was to enjoin the issuance of a contract to the prevailing bidder. The company was unable to obtain a temporary restraining order or preliminary injunction. The agency awarded the contract to the bidder it had originally selected. Just as the new bridge was completed and opened, the suit came to trial.

How should the court handle this case?

- A. Award the company the amount of its lost profits. (0%)
- B. Dismiss the suit, because it is now moot. (84%)
- C. Dismiss the suit, because it turns on discretionary decisions of federal officials. (11%)
- D. Hear and determine the case on the merits. (3%)

Correct

84% Answered correctly

01 min, 38 secs Time Spent

2023 Version

Explanation:

A federal court may only hear the merits of a **justiciable suit**. A suit is justiciable if it presents an **actual case or controversy** that is capable of judicial resolution **at all stages of litigation**—not merely when the complaint is filed. An actual case or controversy ceases to exist when further legal proceedings would have no effect—eg, when the plaintiff's requested relief would not change the outcome of the suit. When this occurs, the **plaintiff's claim** is typically rendered **moot**, and the case should be dismissed.

Here, the company's suit in federal court only sought to enjoin the federal agency from issuing the construction contract to another bidder. But the company was unable to obtain a preliminary injunction or temporary restraining order before the agency awarded the contract to the prevailing bidder, which subsequently completed and opened the bridge. Since an injunction would no longer change this outcome, the suit is now moot. The federal court should therefore dismiss the suit.

(Choice A) Since the company only sought an injunction and did not seek monetary damages, the court cannot award the company lost profits—eg, the loss of its prospective profits from the contract.

(Choice C) The discretionary decisions of most federal officials are entitled to **qualified immunity**—not absolute immunity—and can generally be challenged in a lawsuit. Therefore, the agency's discretionary decision to award the contract to the prevailing bidder is likely *not* immune from judicial review.

(Choice D) Federal courts may hear and determine a case on its merits when that case is justiciable. But since this case is now moot, the court cannot determine the merits of the company's claim.

Educational objective:

A federal court may only hear the merits of an actual case or controversy that is capable of judicial resolution. An actual case or controversy ceases to exist when the case becomes moot—ie, when further legal proceedings would have no effect.

References

U.S. Const. art. III, § 2 (case-or-controversy requirement).

Turner v. Rogers, 564 U.S. 431, 439 (2011) (explaining the mootness doctrine).

32 Am. Jur. 2d Federal Courts § 575 (2022) (defining mootness).

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Actual case or controversy requirement

