Case materials will be provided on TWEN. The Federal Acquisition Regulation (in Title 48 of the Code of Federal Regulations) is known as “the FAR.” It is an important source of rules and regulations that relate to the federal procurement system, and we will expect you to have reviewed the assigned FAR provisions. All references to the FAR can be obtained at https://www.acquisition.gov/far/loadmainre.html

**Class 1 (August 16) – Introduction; the FAR System; Authority to Contract:**

**Appropriations**
- FAR Subpart 1.6
- G.L. Christian & Assoc. v. United States, 312 F.2d 418 (Ct. Cl. 1963)
- General Dynamics v. United States, 131 S. Ct. 1900 (2011)
- 31 U.S.C. §§ 1301, 1341, 1342, 1350, 1351, 1502, 1552, and 1558

**Class 2 (August 23) – Types of Contracts; Commercial Item Contracting**
- FAR Subpt. 16.1; FAR §§ 16.201-203; 16.301-306; 16.500-501; 16.601-602
- FAR Part 12; FAR 52.212-4
- American Electronic Laboratories v. United States, 774 F.2d 1110 (Fed. Cir. 1985)
- Urban Data Systems, Inc. v. United States, 699 F.2d 1147 (Fed. Cir. 1983)
- Memorandum from Lesley A. Field, Deputy Adm’r, Office of Fed. Procurement Policy (OFPP), to Chief Acquisition Officers, Increasing Competition and Structuring Contracts for Best Results, available at: http://www.whitehouse.gov/omb/procurement_index_memo/ (and attached)

**Class 3 (August 30) – Competition in Contracting; Noncompetitive Procedures**
- FAR Part 6
- FAR Subparts 2.101, 12.2, 12.6
- AT&T Communications v. WilTel, 1 F.3d 1201 (Fed. Cir. 1993)
- Emery Worldwide Airlines, Inc. v. United States, 264 F.3d 1071 (Fed. Cir. 2001)

**Class 4 (September 6) – Sealed Bidding and Negotiated Procurement**
- Sealed Bidding
  - FAR Part 14 (excluding Subpart 14.5)
  - FAR 5.002 & Subparts 5.1 and 5.2
  - Honeywell, Inc. v. United States, 870 F.2d 644 (Fed. Cir. 1989)
- Negotiated Procurements
  - FAR Part 15 (excluding Subpart 15.4)
  - Lockheed Missiles & Space Co. v. Bentsen, 4 F.3d 955 (Fed. Cir. 1993)
  - Information Technology & Applications Corp. v. United States, 316 F.3d 1312 (Fed. Cir. 2003)
Class 5 (September 13) – Bid Protests

- 28 U.S.C. § 1491
- FAR Subpart 33.1
- 4 C.F.R. Part 21
- Axiom Resource Mgmt., Inc. v. United States, 564 F.3d 1374 (Fed. Cir. 2009)
- Statistica, Inc. v. Christopher, 102 F.3d 1577 (Fed. Cir. 1996)
- RAMCOR Servs. Group, Inc. v. United States, 185 F.3d 1286 (Fed. Cir. 1999)
- Blue & Gold Fleet, L.P. v. United States, 492 F.3d 1308 (Fed. Cir. 2007) (through § II.B.2 of decision only)

Class 6 (September 20) – Sources of Contract Disputes I--Changes, Delays, Differing Site Conditions, and Acceleration

- FAR Part 43; FAR 52.243-1
- FAR § 52.242.17; FAR 52.249-14
- FAR §52.236-2
- Ace Constructors, Inc. v. United States, 499 F.3d 1357 (Fed. Cir. 2007)
- Fraser Constr. Co. v. United States, 384 F.3d 1354 (Fed. Cir. 2004)
- Int’l Tech. Corp. v. Winter, 523 F.3d 1341, 1348-49 (Fed. Cir. 2008)

Class 7 (September 27) – Sources of Contract Disputes II--Contract Interpretation and Pricing of Adjustments

- LAI Servs., Inc. v. Gates, 573 F.3d 1306 (Fed. Cir. 2009)
- Bell BCI Co. v. United States, 570 F.3d 1337 (Fed. Cir. 2009)
- Servidone Constr. Corp. v. United States, 931 F.2d 860 (Fed. Cir. 1991)
- Propellex Corp. v. Brownlee, 342 F.3d 1335 (Fed. Cir. 2003)
- Grumman Aerospace Corp. v. Wynne, 497 F.3d 1350 (Fed. Cir. 2007)
- Mabis v. General Dynamics C4 Systems, Inc., 633 F.3d 1356 (Fed. Cir. 2011)

Class 8 (October 4) – Contract Claims; The Contract Disputes Act

- 41 U.S.C. §§ 601-613
- FAR Subpart 33.2; FAR § 52.233-1
- Reflectone, Inc. v. Dalton, 60 F.3d 1572 (Fed. Cir. 1995)
- Bill Strong Enterprises, Inc. v. Shannon, 49 F.3d 1541 (Fed. Cir. 1995)
- Burnside-Ott Aviation Training Center v. Dalton, 107 F.3d 854 (Fed. Cir. 1997)
- Alliant Tech. Sys, Inc. v. United States, 178 F.3d 1260 (Fed. Cir. 1999)
- M. Maropakis Carpentry, Inc. v. United States, 609 F.3d 1323 (Fed. Cir. 2010)

Class 9 (October 11) – Convenience Terminations

- FAR 52.249-2; FAR Subparts 49.1, 49.2
- Torncello v. United States, 681 F.2d 756 (Ct. Cl. 1982)
- Krygoski Constr. Co. v. United States, 94 F.3d 1537 (Fed. Cir. 1996)
- Am-Pro Protective Agency, Inc. v. United States, 281 F.3d 1234 (Fed. Cir. 2002)
Class 10 (October 18) – Default Terminations

- FAR 52.249-8; FAR Subpart 49.4
- DCX, Inc. v. Perry, 79 F.3d 132 (Fed. Cir. 1996)
- Lisbon Contractors, Inc. v. United States, 828 F.2d 759 (Fed. Cir. 1987)
- McDonnell Douglas Corp. v. United States, 567 F.3d 1340 (Fed. Cir. 2009)

Class 11 (October 25) – Inspection, Acceptance, and Warranties

- FAR Subparts 46.5, 46.6 and 46.7
- Kaminer Constr. Corp. v. United States, 488 F.2d 980 (Ct. Cl. 1973)
- Radiation Tech., Inc. v. United States, 366 F.2d 1003 (Ct. Cl. 1966)
- Granite Constr. Co. v. United States, 962 F.2d 998 (Fed. Cir. 1992)

Class 12 (November 1) – Ethics in Government Contracting; Contractor Responsibility; Suspension and Debarment

- Ethics in Government Act, 18 U.S.C. §§ 207-216
- Procurement Integrity Act, 41 U.S.C. § 423; FAR 3.104
- Anti-Kickback Act, 41 U.S.C. §§ 51-54
- FAR Subpart 3.10; FAR 52.203-13; FAR 52.203-14
- FAR Subpart 9.4
- Caiola v. Carroll, 851 F.2d 395 (D.C. Cir. 1988)

Class 13 (November 8) – False Claims; Defective Pricing

- FAR 15.401-15.403
- 31 U.S.C. §§ 3729-3731
- Wynne v. United Technologies Corp., 463 F.3d 1261 (Fed. Cir. 2006)
- Daewoo Eng’g & Constr. Co. v. United States, 557 F.3d 1332 (Fed. Cir. 2009)

Class 14 (November 15) – Review/Make-up

Exam: December 17, 2012 at 6 p.m. (see notes below)

Additional Notes:

We will consider class participation in grading. We do not anticipate lowering the grade of anyone who regularly attends class, but we may make a single-increment adjustment to the grade(s) of the student(s) whose participation has, in our judgment, made the most significant contribution to the course (e.g., from “B” to “B+”).

We currently anticipate a take-home exam. We will likely give two questions, which will likely be of the issue-spotting variety. The exam will be open book. We usually ask one question about contract formation and another question about contract administration/changes/termination.

If you have any questions about grading or other such administrative matters, please contact one of us.