

COURSE	PROC 5890—Government Procurement Law
TERM	Summer 2008
INSTRUCTOR	MATT HOYER (202) 298-1792 (Work); (843) 810-0639 Email: mhoyer@gsblaw.com
CATALOG DESCRIPTION	The law and legal processes associated with government procurement are explored. An overview of government procurement and acquisition management is presented, with particular attention to the legal framework in which these activities must take place.
PREREQUISITES	None. Other procurement courses may be helpful because of related subject matter. Instructor will expect a willingness to discuss legal concepts and legal reference materials.
COURSE LEVEL LEARNING OUTCOMES	<p>The following is a list of the basic learning outcomes for the course:</p> <ul style="list-style-type: none"> a. Students shall gain an understanding of the impact of government procurement and contract law on daily decision-making in acquisition. b. Students shall gain familiarity with the basic legal principles and sources of government procurement law applicable to the acquisitions of supplies, services and construction. c. Students shall gain insight on how the law affects the government/ contractor interface, how to avoid legal contractual disputes, and how to maintain ethical business relationships in contracting process. <p>Learning Outcome (a) is covered during Weeks 1 through 8, using lecture, discussion, and role-playing. In addition, we review and critique typical procurement scenarios to illustrate the role of statutes, regulations and case law on acquisitions decisions.</p> <p>Learning Outcome (b) is covered during Weeks 1,2,4,5,7 and 8. In these classes, we examine, among other things, the sources of legal principles that govern federal acquisition. Through lecture, discussion and the review and critique of typical acquisition scenarios, we also explore contract formation principles, some of which parallel private sector acquisition and some of which are unique to acquisition with a sovereign.</p>

<p>The Government’s need to assure that it deals with responsible contractors. The accomplishment of these outcomes is measured primarily through a number of graded in-class written critiques of contract disputes from actual court cases (“Case Studies”) and a Final Examination which also requires the critique and analysis of actual procurement problems and disputes as reflected in the case law. These exercises place a premium on in-class participation.</p>	
MATERIALS	REQUIRED TEXT: Government Contract Law (Defense Acquisition University, March 2005 Ed.).
GRADING	FINAL EXAM 50%
	CASE STUDIES 40%
	CLASS PARTICIPATION 10%
ACTIVITIES	Not Applicable.
POLICY STATEMENTS:	University policies are provided in the current course catalog and course schedules. They are also available on the university website. This class is governed by the university’s published policies. The following policies are of particular interest:
UNIVERSITY POLICIES	<p>Academic Honesty The university is committed to high standards of academic honesty. Students will be held responsible for violations of these standards. Please refer to the university’s academic honesty policies for a definition of academic dishonesty and potential disciplinary actions associated with it.</p> <p>Drops and Withdrawals Please be aware that, should you choose to drop or withdraw from this course, the date on which you notify the university of your decision will determine the amount of tuition you receive. Please refer to the university policies on drops and withdrawals (published elsewhere) to find out what the deadlines are for dropping a course with a full refund and for withdrawing from a course with a partial refund.</p> <p>Special Services If you have registered as a student with a documented disability and are entitled to classroom or testing accommodations, please inform the instructor at the beginning of the course of the accommodations you will require in this class so that these can be provided.</p> <p>Disturbances Since every student is entitled to full participation in class without interruption, disruption of class by inconsiderate behavior is not acceptable. Students are expected to treat the instructor and other students with dignity and respect, especially in cases where a diversity of opinions arises. Students who engage in disruptive behavior are subject to disciplinary action, including removal from course.</p>

COURSE POLICIES	Based upon text and classroom discussion, students will be expected to provide written critiques of acquisition problems from actual court cases (“Case Studies”). Instructor will encourage role-playing and discussion in the classroom to demonstrate familiarity with subject matter.	
WEEKLY SCHEDULE	Week 1	Text, 1/18-17, 2/19-20, 7/1-13, 8/5-37, 13/1-2,17-20 Class orientation; legal foundations; sovereign immunity; Anti-Deficiency Act, Administrative Disputes Resolution Act; public policy considerations, conflicts of interest
	Week 2	Text, 2/1-18, 4/10-25, 5/1-11 Contract formation; bid process; bid protest practice and procedure
	Week 3	Text, 6/7-15, 10/2-27 Inspection, acceptance, warranty; government property; remedies
	Week 4	Text, 9/9-10, 11/2-14, 16-27 Equitable adjustments; FAR cost principles; Cost Accounting Standards; defective pricing
	Week 5	CASE to be distributed WEEK 4; also Text, 13/4-7 defining, avoiding, contractor claims-- accord and satisfaction; release; notice; estoppel; laches.
	Week 6	Text, 12/2-26 Selected problems in termination of government contracts; constructive terminations
	Week 7	Text, 7/22-29, 11/15-16, 27-28 Differing site conditions; unabsorbed overhead; financing; prompt payment.
	Week 8	Text, 9/2-18, 13/9-17 Litigation of contract disputes; Equal Access to Justice Act; contract fraud
	Week 9	FINAL EXAM

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