

Webster University:

SAINT LOUIS, MISSOURI
GENEVA&LEIDEN&LONDON&VIENNA

Date: June 16, 2004

Subject to Revision: Yes X No _____

COURSE SYLLABUS

BOLLING AIRFORCE BASE, DC

PROC 5860 - BO
COURSE NUMBER AND SECTION

Dell Bowman
INSTRUCTOR

Government Contracting (E)
COURSE TITLE

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Fall 2 2004
TERM

1. COURSE DESCRIPTION: Students will examine contracting, focusing on complex, noncommercial acquisitions. Through lecture, case study, exercises and other action learning activities, students will be challenged to accept their roles as business advisors and to apply ethical principles and sound judgments to resolve contracting issues.

2. INCOMING COMPETENCY LEVEL: Students should have completed an introductory course in procurement and acquisition management or equivalent. Experience in the field of procurement or acquisition may be substituted.

3. COURSE STATEMENT OF OBJECTIVES: Students who successfully complete this course will be able to:

- (a) Develop procurement documents and activities (including acquisition planning with a formal source selection plan pursuant to the analysis of market research and the requirements documents and consideration of recurring requirements, government property, competition, contract type, and contract financing);
- (b) Design a contract (that includes preparation of a Request for Proposal, evaluation of source selection factors, competitive range determination, discussions, and processing of a request for final proposal revisions), prepare an award decision, conduct debriefings, and take steps to mitigate and/or resolve protests; and
- (c) Design a contract administration program (including administration planning, conducting a post-award orientation, contract surveillance and planning, contract surveillance and quality assurance, financial management, terminations, disputes resolution, and contract close-out).

Notes:

- 1. Objective 3a is covered during Week 1 and Week 2 using lecture/conferencing and practical exercises. Students will be required to complete a practical exercise in the area of market research during Week 1. In addition students will be provided copies of acquisition plans and various examples of requirement documents used by both government and industry. This will lay a foundation for discussions in Week 4 which too will address in part objective 3a.**
- 2. Objective 3b is covered in Week 3, Week 4, and Week 5 using lecture/conferencing. In addition, handouts will be provided of standard contracting documents to augment and illustrate discussion. In addition, students will perform a source selection, and negotiations exercises, based upon a requirement set forth in Week 3. Following the exercise students will role play a protest scenario. Historical cases will be used for the student's research. Students will then discuss lessons learned and explore alternative to lessen such risks. Week 5 will conclude with students discussing the topic areas to be included in a post-award orientation.**
- 3. Objective 3c is covered in Week 6, Week 7 and Week 8 using lecture/conferencing, exercises and case studies. Building on the foundation and exercises used in weeks 1 through 5 in planning and awarding a contract, students will use a series of exercises and case studies to address and resolve issues arising during the contract management phase. As a result of the experiential and interactive environment students will have a foundation and understand how to use contracting information to achieve the desired acquisition result now and in the future.**
- 4. The exams and exercise are designed to assist the student bring all aspects of the course together so that the student not only has a working knowing of contract formation and management but can actually carry out and manage the process.**

4. SCHEDULE OF REQUIRED READINGS, CLASS PREPARATIONS AND ASSIGNMENT, LECTURES, DISCUSSIONS, STUDENT PRESENTATIONS, AND EXAMS:

WEEK 1: Determine how to work with customers, make sound judgments, conduct market research and develop requirements documents. Discuss the following topics:

Introduction
Overview of the Federal Procurement System
Identification of Needs
Acquisition Planning
Market Research
Market Research Exercise
Requirements Documents
SCAN FAR Subparts 1-6
Read FAR Subparts 7, 10, & 11

Week 2: Define service contracts...using sample requirements, analyze those requirements, and determine the appropriate kind of contract and if there are potential conflicts. Identify contract type. Determine whether to furnish government property. Discuss the following topics:

Service Contracts (i.e., Performance-Based Service Contracts (PBSA), Personal vs. Non-Personal Services, Advisory and Assistant Services)
Service Contract Exercise
Potential Conflicts of Interest
Statutory Changes Affecting Service Contracts
Contract Types
Contract Type Exercise
Government Furnished Property
FAR Subparts 37 & 45
Assign Working Groups and Case Studies

Week 3: Identify contract financing and bonding and insurance requirements and other terms and condition applicable for inclusion in the solicitation/request for proposal. Discuss the following topics:

Contract Financing
Source Selection Planning and Evaluation Criteria
Bonds and Insurance
Contract Format
Read FAR Subparts
Read FAR Subparts 14, 15, 19, 32, & 28

Week 4: Using market research, acquisition plan and other applicable information, develop a solicitation, source selection plan, evaluate a request for proposal and make a determination to award: Discuss the following topics:

Solicitation Preparation
Negotiation and Request for Proposals vs.
Sealed Bidding and Invitation for Bid
The Negotiation Process, Strategies, Planning and Tactics
Contract Award and Debriefing
Negotiation Exercise and Case Studies
Source Selection Exercise
Read FAR Subparts, 15, 19, and 42
SCAN FAR Subparts 14 and 52

WEEK 5: Using award documentation, other supporting documentation, and appropriate resources analyze an offeror's protest to determine an appropriate resolution and prepare a contract administration plan for an awarded contract. Discuss the following topics:

Bid Protest Procedures and Jurisdictions
Role of Legal Counsel in Bid Protest Processing.
Preparation of Contract Administration Plans
Overview of Contract Administration
Bid Protest Exercise and Case Studies
Post-Award Orientation Exercise
Read FAR Subparts, 33, and 42; DFAR Subpart 42
SCAN FAR Subparts 15 and 52

Week 6: Identify issues involving accounting and payment management and various financial considerations arising during contract administration and available alternatives for resolution. Discuss the following topics:

Invoicing Processes
Progress and Performance Based Payments
Debt Collection and Set-Off Procedures
Contractor's Cost Estimating Systems
Cost and Funding Ceilings
Price and Fee Adjustments
Performance Based Payment Exercise
Contract Adjustment Exercise
Read FAR Subparts 14, 15 and 16
Scan FAR Subparts 52.216, 52.232-20 and 52.232-22

WEEK 7: Using contract award documentation and other supporting documentation, analyze contract requests for contract modification, quality assurance, subcontract management and property administration issues arising during contract administration to determine appropriate actions in order to review and prepare any necessary documentation. Discuss the following topics:

Processing Contract Modifications
Equitable Adjustments
Remedies for Inadequate Contract Performance
Documenting Past Performance
Consent for Subcontracting
Remedies for Noncompliance With Subcontracting Plans
Property Control Requirements
Contractor Liability for Loss or Damage to Government Property
Modification and Equitable Adjustment Exercise
Failure to Meet Subcontracting Plan Exercise
Read FAR Subparts 43, 44, 45 and 46
Scan FAR Subparts 52.243, 52.244, 52.245 and 52.246

WEEK 8: Using contract award documentation and other supporting documentation, analyze a proposed contract termination scenario and a follow-on request for equitable adjustment; prepare a contracting officer's final decision and prepare the contract file for closeout. Discuss the following topics:

Terminations for Default
Terminations for Convenience
Requests for Equitable Adjustment
Disputes Process under the Contract Disputes Act
Alternate Disputes Resolution (ADR)
Contract Closeout Procedures
Contract Dispute Exercise and Case Studies.
Contract Closeout Exercise
Read FAR Subparts 4.8, 33, and 49
Scan FAR Subparts 52.233, and 52.249

WEEK 9:

Course Summary
Student Presentations
Final Examination
Research Paper

5. REQUIRED TEXT: The Federal Acquisition Regulation (Current Edition) can be located on the internet

6. RECOMMENDED READING: Cibinic and Nash, Contract Formation, George Washington University Press, (Current Edition), Cibinic and Nash, Contract Administration, George Washington University Press, (Current Edition)

7. VISUAL AIDS: Television and VCR