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| Course | PROC 5890/NC Government Procurement Law |
| Term | Summer, 2008 |
| Instructor | Mr. Marty McAlwee, BA , MS, JD WP: 494-7861 HP: 951-3134 CP: 258-9313 E-Mail: mcalweem@yahoo.com Office Hours: Thirty minutes before class, or by appointment |
| Catalog Description | The law and legal processes associated with government procurement are explored. An overview of government procurement and acquisitions management is presented, with particular attention given to the legal framework in which these activities must take place. |
| Prerequisites | None |
| Course Level Learning Outcomes | <p>Upon successful completion of this course, the following Learning Outcomes will have been realized, as the students will:</p> <ul style="list-style-type: none"> • Be able to explain the important terminology, facts, concepts, principles, and theories used in the field of Procurement and Acquisition Management. These will consist of the mandatory topics taught in the prerequisite, advanced core courses, and integrative capstone course. • Be able to explain the broad spectrum of analytical, diagnostic and research tools necessary to negotiate an integrated contractual service, production or construction agreement for the government. • Be able to explain the origins of procurement law and implementation. • Be able to explain the agenda of interested parties (businesses, government, local, state and federal) and how they interact and affect procurement policy and law. • Be able to explain various statutory, regulatory, and other legal approaches to government procurement law • Be able to develop a personal philosophy and perspective on issues related to government procurement law. • Be able to apply what they have read from a wealth of government material by doing practical exercises, taking periodic quizzes, completing various mathematical representative problems, completing case studies, addressing questions related to the text material and participating in discussion questions with fellow students and the instructor. |

| Additional Course Learning Outcomes | <ul style="list-style-type: none"> • Know the limited authority of government agents and understand the implications of limited authority for contractors • Know the legal rules for sealed bidding and competitive negotiation • Understand commercial item contracting, multiple award schedules, funding, contract types, defective pricing, cost accounting and audits • Understand the role of contract administration and know the rules that apply to government specifications, inspections, and acceptance, technical data, patents, and copyrights • Examine the changes clause(s) and how the clause functions in specific cases • Understand how subcontracting works in the context of government contracting • Understand the process for terminating a contract by default and convenience and the defenses associated with these actions • Know the rules that apply to a government breach of contract • Know the legal processes that apply in disputes between the government and contractors • Know the remedies for contractor and government noncompliance with contract provisions, laws, and regulations • Students will know how to prepare a case analysis in the form of the facts, stating the issue or issues presented, stating the ruling of the court or administrative agency, and summarizing the reasoning of the decision | | | | | | | | |
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| Materials | <p>Required Text: Tiefer, Charles; Shook, William A., Government Contract Law, 2nd. Ed. And 2006 Supplement, North Carolina: Carolina Press ISBN No. 0-89089-437-X, supp. ISBN 1-59460-238-7</p> <p>Suggested Supplemental Readings:</p> | | | | | | | | |
| Grading | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Course Requirements:</th> <th style="text-align: center;">% OF GRADE</th> </tr> </thead> <tbody> <tr> <td>Mid-Term Examination</td> <td style="text-align: center;">30%</td> </tr> <tr> <td>Final Examination</td> <td style="text-align: center;">30%</td> </tr> <tr> <td>Case Analyses and presentations to class</td> <td style="text-align: center;">30%</td> </tr> </tbody> </table> | Course Requirements: | % OF GRADE | Mid-Term Examination | 30% | Final Examination | 30% | Case Analyses and presentations to class | 30% |
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| Final Examination | 30% | | | | | | | | |
| Case Analyses and presentations to class | 30% | | | | | | | | |

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| Class participation | |
| Total | 10% |
| | 100% |

Taking the numerical score from the formula above and converting it to the appropriate letter grade from the chart determine the student's letter grading for the course.

| Letter Grade | Numerical Score |
|--------------|-----------------|
| A | 96-100% (4.0) |
| A- | 91-95% (3.67) |
| B+ | 87-90% (3.33) |
| B | 82-86% (3.0) |
| B- | 78-81% (2.67) |
| C | 70-77% (2.0) |
| F | 69 & below (0) |
| I | Incomplete (0) |
| W | Withdraw |

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| Activities | Weekly readings: Each student is expected to read weekly case assignments and be prepared to discuss these cases in class. Cases will be assigned for analysis to a student(s) for each class. Each assigned case analysis will be prepared for turn in and the case will be orally presented to the class. The case analysis will be graded down for unexcused late submissions. Make arrangements prior to the due date. The instructional methodology will also include traditional lectures, group exercises and discussions. This is a very interactive course. This will enable you to become actively involved in, and to contribute to, the class activities. |
| 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 |

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| <p>University Policies</p> | <p>governed by the university’s published policies. The following policies are of particular interest:</p> <p>Academic Honesty</p> <p>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</p> <p>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 refund 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</p> <p>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</p> <p>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 opinion arises. Students who engage in disruptive behavior are subject to disciplinary action, including removal from the course.</p> <p>Student Assignments Retained</p> <p>From time to time, student assignments or projects will be retained by the Department for the purpose of academic assessment. In every case, should the assignment or project be shared outside the Academic Department, the student’s name and all identifying information will be redacted from the assignment or project.</p> <p>Contact Hours for This Course</p> <p>It is essential that all classes meet for the full time as scheduled. A class cannot be shortened in length. If a session is cancelled for any reason, it must be rescheduled.</p> |
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| Course Policies | <p>Attendance at all class sessions is expected, and if a student must be absent from a session, the instructor must be notified in advance, if possible.</p> <p>Late written assignments or projects will be accepted if <i>prior arrangements</i> have been made with the instructor, but may be given reduced points based upon the number of class sessions it is late, and extenuating circumstances.</p> |
| Week 1 Schedule | <p>Theme: Introduction to Government Contracting, Limited Authority of Government Agents and Sealed bidding</p> <p>Class Preparation: Read: Chapter 1, Subchapters A & B; and Chapter 2, Subchapter A. Read and be prepared to discuss the following cases: <u>Total Medical Mgt</u>, p. 10; <u>Office of Personnel Management v. Charles Richmond</u> p. 14; <u>Mil-Spec Contractors Inc.</u> p. 22 ; <u>Harbart/Lummus Agrifules Projects</u> p. 26; G. L. Christian and Associates p. 35; <u>Appeal of University of California</u> p. 37; <u>Toyo Menka Kaisha Ltd</u> p. 56; <u>Impresa</u> p. 64; <u>Carothers Construction</u> p. 71; <u>McClure Electrical</u> p. 75; <u>University of California</u> p. 186</p> |
| Week 2 Schedule | <p>Theme: Competitive Negotiation, Commercial Item Contracting , Multiple Award Schedule Contracting, Funding, Contract types, and Defective Pricing</p> <p>Preparation for Class: Read Chapter 2, subchapter B; Chapter 3, Subchapters A & B; Case analyses as assigned. Read: <u>Information Technology</u> p. 80; <u>W&D Ships</u>, p.89; <u>Isratex</u>, p. 95; <u>Daltion</u>, p.102; <u>Lockeed Missiles</u>, p. 111; <u>B3H Corp.</u> p. 115; <u>Environmental Tectonics</u>, p. 119; <u>Space Mark</u>, p. 125; <u>Access Logic</u>, p.132; <u>ATA Defense</u>, p. 140; <u>Labat- Anderson</u>, p. 150; <u>REEP</u>, p157; <u>Coyle’s Pest Control</u>, p. 174; <u>University of California.</u> of, p. 186;</p> <p>Classroom Discussion Topics:</p> |
| Week 3 Schedule | <p>Theme: Cost Accounting and Audits, Contracting Officer Discretion, Specifications , Inspection and Acceptance, Technical Data and intellectual Property.</p> <p>Preparation for Class: Read chapter 4, subchap. D; Chap. 5, subchaps A,B, & C. Case analyses as assigned. Read: <u>Newport news</u>, p. 206; <u>Bill Strong Enterprises</u>, p. 213; <u>Ensign-Bickford</u>, p. 229; <u>Metric Constructors</u>, p. 234; <u>J.L. malone</u>, p.243; <u>spearin</u>, p249; <u>L. W. Foster</u>, p. 261; <u>Technical Ordance</u>, p. 269; <u>Mann Chemical</u>, p. 273; <u>Instruments for Industry</u>, p. 279; <u>Dowty</u>, p.285; <u>FN Manufacturing</u>, p. 292;</p> <p>Classroom Discussion Topics:</p> |
| Week 4 Schedule | <p>Theme: The Changes Clause, Equitable Adjustments, Differing Site Conditions, Construction Contracts, Subcontracts, and Terminations for Default (Bases and Defenses)</p> <p>Preparation for Class: Case analyses as assigned: Read: Chap 6; Chap 7, Subchap. B; and Chap 10, Subchap. Read: <u>Boston Shipyard</u>, p.326; <u>General Builders</u>, p. 331; <u>Blinderman</u>, p. 334;</p> |

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| | Dawco, p. 345; Covco, p. 352; |
| Week 5 Schedule | Mid-Term Examination |
| Week 6 Schedule | Theme: Termination for Default (Process, Excess Reprocurement), Terminations for Convenience, Government Breach, Protests, and Disputes. Preparation for Class: Case Analyses as assigned. Read Chapter 10, Subchaps. B,C,D,& E and Chap. 11, Subchaps A & B. Read: Cases assigned at Mid-Term. |
| Week 7 Schedule | Theme: False Claims Act, Liquidated Damages, Suits against the United States, Bribery, Gratuities, Conflicts of Interest, and Suspension and Debarments. Preparation for Class: Case analyses as assigned. Read Chapter 11, Subchaps D,E,& F; and Chap 12, Subchaps A,B, and C. Read Cases assigned at Week 6. |
| Week 8 Schedule | Theme: Review for Final Exam Preparation for Class: Review previous reading assignments and class notes for any questions or clarifications. Make ups from excused assignments. |
| Week 9 Schedule | Final Examination |

Purchasing Textbooks--Most textbooks can be purchased through **MBS Direct**. Check the syllabus for textbook information. Give MBS Direct the campus location (for the purpose of ordering books the campus is **Space Coast Campus**, course name, number and section number (i.e. Space Coast Campus, COMP5000/64) and most important, the **title, author, edition, and ISBN** of the book you are ordering. MBS Direct will buy back your book at the end of the term should you elect not to retain it as a reference book. Order by phone or online. Orders should be placed no earlier than 4 weeks prior to the start of the term.

MBS Direct: 1-800-325-3252; MBS Direct Website is www.mbsdirect.net/webster
Monday-Thursday 7AM-10PM (Central Time)
Friday 7AM-6PM (Central Time)
Saturday 8AM-5PM (Central Time)
Sunday Noon-4PM (Central Time)

In order to meet the course objectives this syllabus may be modified at the discretion of the instructor without approval of the students.

Original approved by:

Dr. Calvin D. Fowler Academic Dean Space Coast Region, August 15, 2008

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