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FAR Workshop

The Federal Acquisition Regulation (FAR) directly affects the purchase and sale of over \$200 billion worth of supplies, services and construction each year by federal and state procurement offices. This critically important document is comprehensive, complex, and continually changing. All contract professionals involved in a FAR-based procurement must have a detailed working knowledge of the FAR to ensure that they are getting the best possible contract and that they are in full compliance with all applicable laws.

This course is designed to address these challenges in a highly practical and user-friendly way. As the name indicates, this course is a Workshop. The instructor and students will work through practical exercises specifically designed to demonstrate how to work with the FAR. Students will develop and refine the skills necessary to apply the FAR to virtually any acquisition situation. The FAR provides considerable flexibility in many aspects of federal procurement. Often, however, buyers and sellers are unfamiliar with the range of discretion in the FAR. This course will distinguish between those sections of the FAR that are mandatory and those that allow the parties to structure the contract to fit the situation.

The course will also cover court and board decisions that have interpreted the most important FAR clauses. Such knowledge can provide a significant business advantage to those who understand how a particular FAR clause is likely to be interpreted in litigation. Since most users of the FAR access it through their computers, this course will include a computer demonstration of various techniques for searching and updating the FAR. Although not necessary to enjoy the full benefit of the course, students are invited to bring their laptops. Both a paperback desk copy and an electronic version of the FAR will be provided to each participant.

Government Contract Guidebook, 4th

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The Course Director

Steven N. Tomanelli is an attorney in the Washington DC area specializing in government procurement law. Mr. Tomanelli provides legal services, training and consulting services in all aspects of government procurement and federal appropriations law. He teaches a broad variety of courses to government and contractor personnel, including contracting officers and technical staff, attorneys, financial managers, contractor proposal teams, support staff and program office personnel. Courses Include: Performance-Based Contracting, Task Order Contracting, Source Selection, Advanced Source Selection, Contract Disputes and Terminations, Introduction to Government Contracting, Procurement Ethics, Contractors in the Federal Workplace, Past Performance Evaluation, Oral Presentations for Best Value Source Selections, Federal Appropriations Law, Commercial Item Acquisition, as well as courses tailored for the specific customer.

Mr. Tomanelli is a retired Air Force Judge Advocate and has held numerous high-level positions, including Chief of Acquisition and Fiscal Law for the Air Force's Air Mobility Command and Senior DoD Counsel for the National Reconnaissance Office (NRO) in Chantilly, Virginia. He has provided consulting services and legal advice in support of highly classified major system acquisitions and has been a member of many source selection boards, advisory councils and "red teams." He has also served as a Professor of Contract and Fiscal Law at the Army Judge Advocate General's School in Charlottesville, Virginia, where he provided instruction in a wide variety of procurement and fiscal law topics. In 2001, he was selected as "The Outstanding Career Judge Advocate of the Air Force."

Mr. Tomanelli received his B.A. and J.D. at Hofstra University, and his Master of Laws in Federal Procurement Law at George Washington University. While earning his Master of Laws degree in Procurement, Mr. Tomanelli worked as an Intern at the Armed Services Board of Contract Appeals.

Mr. Tomanelli one of the highest rated acquisition trainers in the country. He has authored over thirty course books and written numerous articles for national publications in federal procurement and fiscal law and is the editor of the Thomson-West Annotated FAR. He is a member of the Virginia, New York and Florida bars, the National Contract Management Association and the Advisory Board of the Government Contractor (Thomson-West Publishing).

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FAR Workshop Course Curriculum

1. General Information

- a. The Federal Acquisition Regulation System
- b. Where to Find the Regulations
- c. How to Keep Up With the Regulations
- d. The Contracting Officer
- e. Definitions of Key Terms, Phrases, and Words
- f. Improper Business Practices
- g. Personal Conflicts of Interest
- h. Procurement Integrity Matters

2. Acquisition Planning

- a. Publicizing Contract Actions
- b. Competition Requirements
- c. Required Sources of Supplies and Services
- d. Contractor Qualifications
 1. Responsibility
 2. Debarment
 3. Suspension
- e. Specifications, Standards, and Other Purchase Descriptions
 1. Design vs. Performance
 2. Minimum needs
 3. Brand Name or Equal
- f. Acquisition and Distribution of Commercial Products
- g. Contract Delivery or Performance

3. Contracting Methods and Types of Contracts

- a. Small Purchase and Other Simplified Purchase Procedures
- b. Sealed Bidding
 1. Bid opening
 2. Late bids
 3. Mistakes in bids
- c. Contract by Negotiation
- d. Source Selection Procedures
- e. Best and Final Offers
- f. The Truth in Negotiations Act
- g. Types of Contracts
 1. Fixed Price
 2. Cost Reimbursement
 3. Other Types
- h. Special Contracting Methods

4. Socio-Economic Programs

- a. Small Business and Small Disadvantaged Business Concerns
- b. Labor Surplus Areas Concerns
- c. Application of Labor Laws to Government Contracts
- d. Environmental Regulations and Restrictions; Conservation and Occupational Safety
- e. Protection of Privacy and Freedom of Information Issues
- f. Foreign Acquisition
 1. Buy American Act
 2. Trade Agreement Act
 3. Balance of Payments program
- g. Other Socio-Economic Programs

5. General Contracting Requirements

- a. Patents, Data, and Copyrights
- b. Bonds and Insurance
- c. Taxes
- d. Cost Accounting Standards
 1. The OFPP
 2. CAS Board
- e. Contract Cost Principles and Procedures
- f. Contract Financing
 1. Progress payments
 2. Assignment of claims

3. Prompt Payment Act
- g. Protests, Disputes, and Appeals
 1. The Contracting Officer
 2. The GAO
 3. Agency boards
 4. The Court of Federal Claims
 5. The Boards of Contract Appeals
 6. The Court of Appeals for the Federal Circuit

6. Special Categories of Contracting

- a. Major System Acquisition
- b. Research and Development Contracting
- c. Construction and Architect-Engineer Contracts
- d. Service Contracts
- e. Federal Supply Schedule Contracting
 1. Single Award Schedules
 2. Multiple Award Schedules
- f. Management, Acquisition, and Use of Information Resources; IT Procurement

7. Contract Management

- a. Contract Administration
- b. Disallowances
- c. Contract Modifications
- d. Change Orders, Constructive Changes, and Equitable Adjustments
- e. Subcontracting Policies
- f. Government Property
- g. Quality Assurance; Inspection, Acceptance, and Warranties
- h. Transportation
- i. Value Engineering
- j. Termination of Contracts — Convenience and Default
- k. Extraordinary Contractual Actions
- l. Use of Government Sources by Contractors

8. Clauses and Forms

- a. Solicitation Provisions and Contract Clauses
- b. Incorporation by Reference and Full Text
- c. The Numbering System
- d. The Clause Matrices
- e. Using the Forms
- f. Standard Forms
- g. Optional Forms

9. Latest Developments

- a. The OFPP and FAR Council
- b. Pending Legislation
- c. Federal Acquisition Circulars (FAC)
- d. The Federal Acquisition Streamlining Act, Clinger Cohen Act, Service Acquisition Reform Act (SARA), and Other Procurement Reforms

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