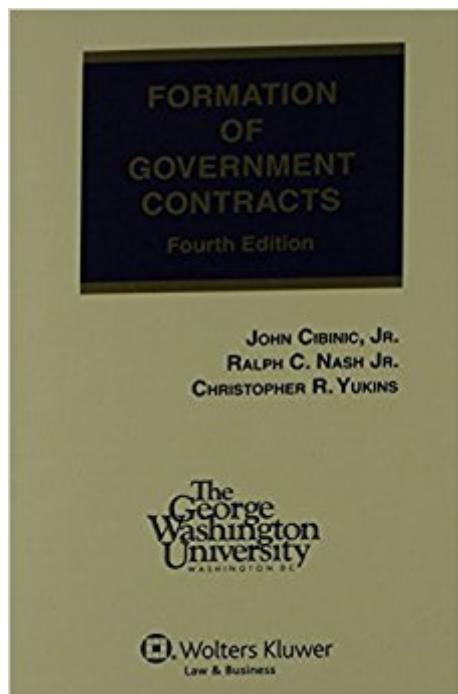


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# Formation Of Government Contracts, Fourth Edition (Softcover)



## **Synopsis**

The book is focused entirely on the formation of a contract and#8211; from the earliest planning until contract award. For our purposes, the award of a contract begins the process of contract administration, a separate process. As with previous editions, the goal is to make the reader aware of the statutes, regulations and decisions that establish the complex rule structure that is followed in the process of entering into government contracts.

## **Book Information**

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## **Customer Reviews**

Excellent resource for contract and sub-contract formation.

Having the book handy makes it easier to do research than having to search for the information on the internet

Expensive, but a great reference for the legal aspects of government contract formation.

Great book, met all my expectation.

This book is mentioned in the DAU course on Contracts 100. I'd like very much to read it, but I don't have time. Please create an audible version of it so I can listen to it on the way to work, while jogging and working out. I just don't have enough time and I really need flexible information content that doesn't require me to single task. Multi-tasking content is critical.Thank you!This is stuff to

memorize for aspiring contracting officers: FAR Subchapter Structure

Subchapter A Parts 1-4

General Subchapter B Parts 5-12 Competition and Acquisition Planning

Subchapter C Parts 13-18

Contracting Methods and Contract Types

Subchapter D Parts 19-26 Socioeconomic Programs

Subchapter E Parts 27-33 General Contracting Requirements

Subchapter F Parts 34-41 Special Categories of Contracting

Subchapter G Parts 42-51 Contract Management

Subchapter H Parts 52-53 Clauses and Forms

Provisions are terms or conditions used ONLY in solicitations and apply only before contract award (solicitation). Clauses are terms or conditions used in both solicitations and contracts before and after award (solicitation and contract). FAR 52 provides instructions for using provisions and clauses.

Procedures, Guidance, and Information (PGI). The PGI is not a regulation. Each Department within the DoD has a supplement that further defines service specific (i.e. Air Force, Army, Navy/Marines) or agency specific (i.e. DLA) regulations.

If the FAR is silent on the guidance for particular issue, and that issue is addressed in the DFARS cite, the DFARS cite supplements the FAR. The FAR is organized so that the general policy is always stated first, followed by the specific policy. The specific policy will supersede any possible conflicts with the general policy. See FAR 1.105-2. UCF Uniform Contract Format

IBR Incorporated by Reference.

FAR 52.203-2 cannot be incorporated by reference. FP refers to Fixed Price, CI refers to Commercial Item, and SAP refers to Simplified Acquisition Procedures.

Cost Reimbursement Service Contract is represented by CR SVC column in the Clause Matrix. The contract purpose code R (required) indicated the proper inclusion of FAR 52.203-7 to be part of a FP R&D contract. FAR 2.201 prescribes for a C for Clause with a Clause number FAR 52.202-1. The title for FAR 52.203-3 clause is Gratuities. The applicable contract purpose code for a Cost Reimbursement Service Contract Gratuities clause is A for Required when Applicable. The title for FAR 52.203-7 is Anti-kickback procedures. The applicable contract purpose code for all contracts Gratuities clause is R for Required, except SAP (Simplified Acquisition Procedures).

The "Christian Doctrine" comes from a Court of Claims decision G.L. Christian and Associates v. United States, 312 F.2d (418) (Ct. Cl. 1963). The Christian Doctrine provides that certain clauses, in this case the Termination for Convenience (T4C) clause, that are required to be included in, but are omitted from, government contracts are nonetheless read into the contract as if they were in fact included. The Christian Doctrine has limitations, such that it only applies to a "mandatory contract clause that expresses a significant or deeply ingrained strand of public procurement policy is considered to be included in a contract by operational of law. The Christian Doctrine does not apply to very many clauses; therefore the best approach is to ensure that clause selection is done by a knowledgeable contract specialist. In addition to the T4C clause, some examples of applicable clauses are the common

commercial terms and conditions found in government contracts for warranties, ordering and inspection. As a contract specialist, you should be aware that you can use many sources to locate all requirements of law, executive orders, regulations, and all other applicable procedures as required by the FAR. These sources include: Statutes, Executive Orders, OMB Circulars, OFPP & DPAP Policy Letters, OTHER Applicable CFR requirements, DoD or Agency Directives, Memos, Manuals, Instructions, etc. Decisions by the Comptroller General (GAO), Decisions by the Boards of Contract Appeals (BCAs) and other courts, Case laws. You also need to understand how the FAR, DFARS, and PGI are organized, administered and updated, and, more importantly, how to use them.

Books have blue streaks on cover and the front cover is already separating from the rest of the book, although I am bending it a lot to read the book. It is serving the purpose and will be a good resource for many years, assuming it stays together.

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