



Cracking Open the FAR (This One's On Us)

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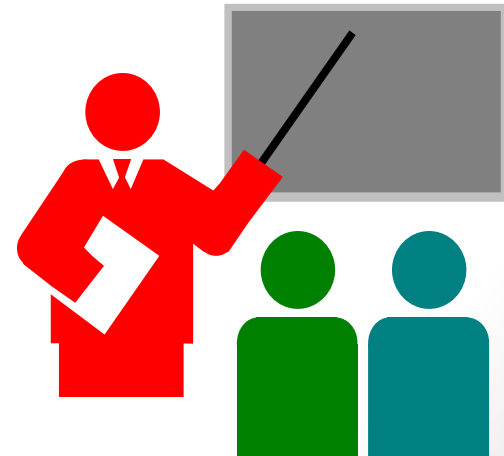
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WHAT'S THE FAR?

- Federal Acquisition Regulation
 - The most important of procurement regulations
 - Generally applicable to all federal agencies, all federal procurements
 - Officially codified in Title 48 CFR
 - Available in paper, online, FAR app
- Agencies can supplement the FAR (e.g., DFARS)
- FAR is not static!!

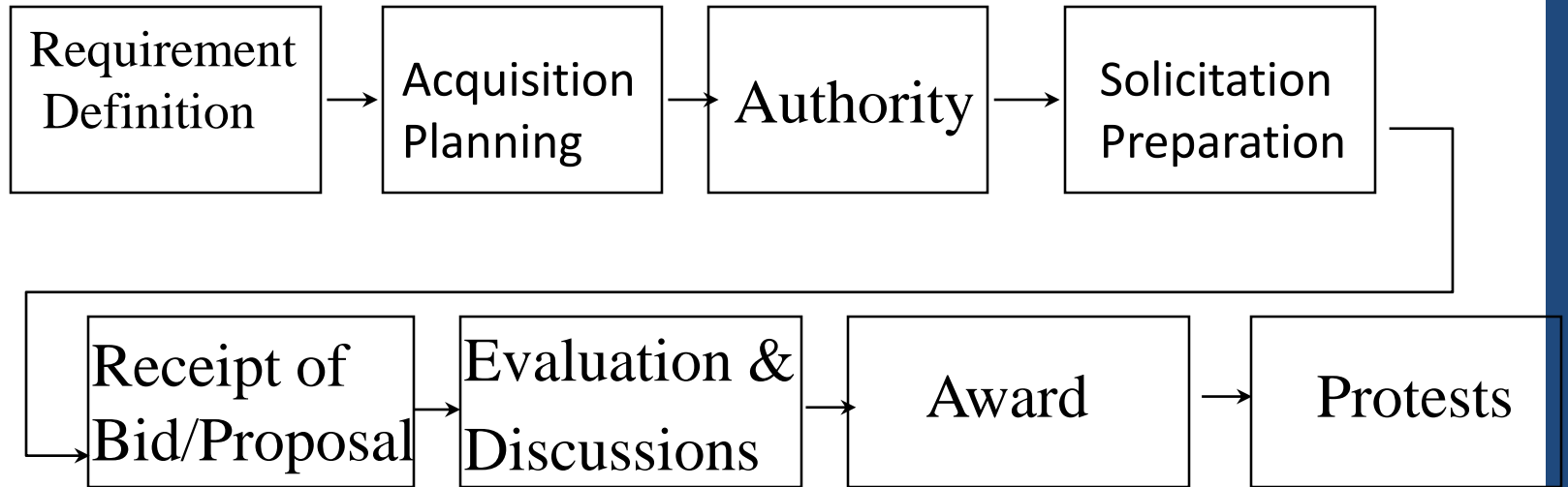


WHAT'S THE FAR?

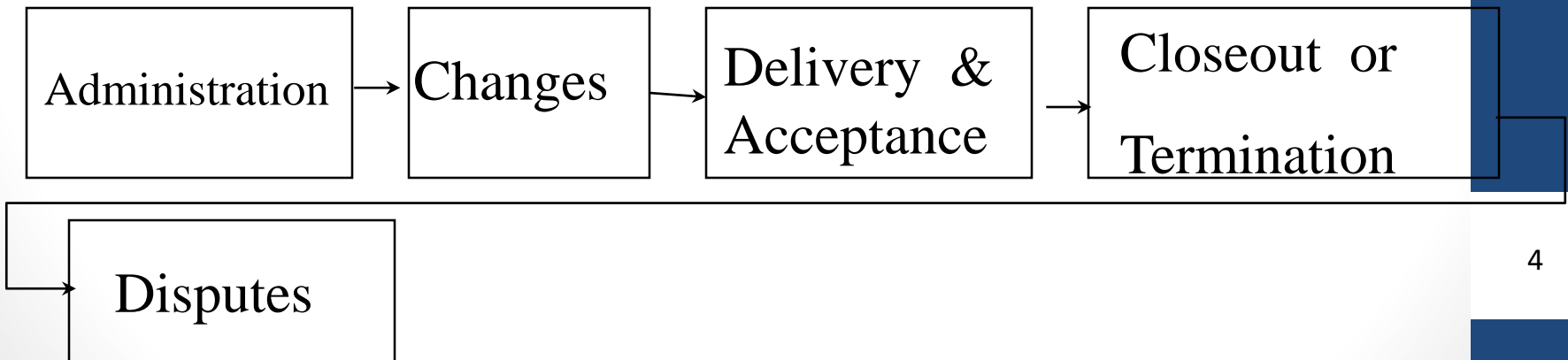
- Federal Acquisition Regulation
 - Became effective April 1, 1984
 - GSA is responsible for managing the FAR
 - FAR Council (FAR Secretariat) is authorized to issue and revise the FAR
 - Changes to the FAR are accomplished by issuance of either a proposed rule (or interim rule) and then allowing for public comment.
 - A FAC is an interim change to the FAR

THE CONTRACTING PROCESS

Contract Formation



Contract Administration



ORGANIZATION OF THE FAR

The FAR is organized into 53 Parts

- Parts 1 - 51: Substantive Provisions (by topic)
 - (this is about half the book)
- Part 52: Clauses
 - (this by itself is about half the book)
- Part 53: Forms

ORGANIZATION OF THE FAR

FAR Parts are subdivided further into
subparts,
sections,
subsections

E.g., FAR § 9.104-1

See FAR § 1.105-2 (FAR Arrangement)

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FAR Parts 1 - 51: Substantive Provisions (by topic)

Part 1: FAR System

Part 2: Definitions

Part 3: Improper Business Practices

Part 6: Competition

Subpart 8.4: Federal Supply Schedules

Part 9: Contractor Qualifications (responsibility, OCIs)

Part 12: Commercial Item Acquisitions

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FAR Parts 1 - 51: Substantive Provisions (by topic)

Part 13: Simplified Acquisition Procedures

Part 14: Sealed Bidding

Part 15: Negotiated Procurements

Part 16: Contract Types (e.g., IDIQ)

Part 19: Small Business Programs

Part 20: Reserved

ORGANIZATION OF THE FAR

FAR Parts 1 - 51: Substantive Provisions (by topic)

Part 22: Labor Laws

Part 27: Patents and Data Rights

Part 28: Bonds and Insurance

Part 30: Cost Accounting Standards

Part 31: Cost Principles

Part 32: Contract Finance

Part 33: Protests and Disputes

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FAR Parts 1 - 51: Substantive Provisions (by topic)

Part 34: Major System Acquisitions

Part 36: Construction and A-E Contracts

Part 37: Service Contracting

Part 39: Acquisition of Information Technology

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FAR Parts 1 - 51: Substantive Provisions (by topic)

Part 42: Contract Administration & Audit Services

Part 43: Contract Modifications (Changes)

Part 44: Subcontracting Policies

Part 49: Terminations

Part 50: Extraordinary Contractual Actions

Part 51: Use of Gov't Sources by Contractors

ORGANIZATION OF THE FAR

FAR Part 52: Clauses

- Subpart 52.1: Instructions
 - Subpart 52.2: Text of Clauses
 - Subpart 52.3: Clause Matrix
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- FAR Part 53: Forms

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Correlation b/t FAR Parts 1 - 51 and Clauses

- FAR Parts 1 - 51 never are put into contracts or solicitations
- Only clauses are put into contracts and solicitations (e.g., RFP § I)
- There is a direct tie-in/correlation between FAR Parts 1 - 51 and the Part 52 clauses
 - One is the applicable policy provision
 - The other is the resulting clause

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FAR clause 52.219-14 (Limitation on Subcontracting)

- All clauses start 52.2 (that's where in the FAR you can find them)
- The next two digits tell you the FAR Part they relate to (e.g., Part 19)
- The -14 says this was the 14th occasion when the FAR Part 19 policy provisions resulted in a contract clause

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Let's Practice Together!!

FAR clause 52.202-1

FAR clause 52.212-4

FAR clause 52.203-2

FAR clause 52.215-2

FAR clause 52.216-1

FAR clause 52.222-26

FAR clause 52.243-1

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Alternate Versions of FAR Clauses

- Some FAR clauses have multiple, alternate versions (e.g., 52.227-14, Rights in Data – General)
- Different alternate versions are prescribed by different FAR provisions
- Think of it as a large, generic clause with small tweaks depending on unique circumstances

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FAR Subpart 52.1: Clause Instructions

- Clauses are generally incorporated by reference and not by full text
- Clauses included in full text generally require the insertion of a date, a number, or a period of time.
- FAR clauses take precedence over agency supplements and any local clauses.

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FAR Subpart 52.3: Clause Matrix

- Not all clauses are required for all contracts (or solicitations)
- The matrix is a table that states, for different contract types (e.g., fixed-price service contract), whether a clause is “required,” “required when applicable,” or “optional.”
- Additional waiver or deviation may also be possible (but not common).

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FAR Part 53: Forms

- Part 53 has examples of all standard forms (e.g., SF 33, Solicitation, Offer and Award)
- It also includes the corresponding instructions for all standard forms.

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Let's Review!

The contracting agency issues a RFQ (SF 1449) for the acquisition of a commercial item. The solicitation contains a list of clauses, including 52.212-1, 52.212-2, 52.212-3, and 52.212-4.

Where would you go to see the text of these clauses?

Where would you go to find out more about these clauses?

How would you know whether they are mandatory?

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Let's Review!

The agency is issuing a contract modification, and cites FAR clause 52.243-1 as its authority for doing so.

Where would you go to find this clause?

What FAR Part is this clause related to?

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Let's Review!

The contract PWS states that the agency has a preference for “energy-efficient standby power devices,” but provides no explanation of what this term means.

Where would you look for a definition of this term?

How would you know if your source is authoritative?



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