



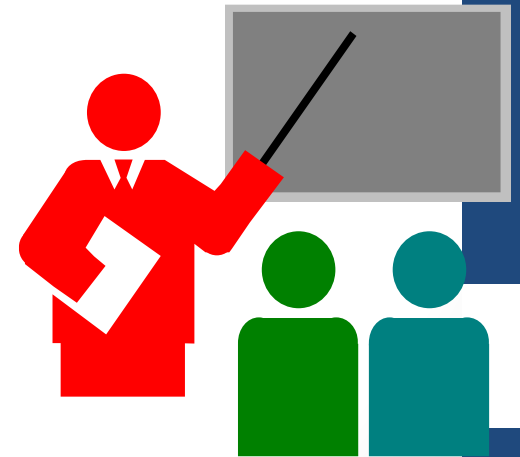
# GovCon 101: The FAR

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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
- Agencies can supplement the FAR (e.g., DFARS)
- The FAR is an ever-changing document



# Polling Question:

How much experience do you have with the Federal Acquisition Regulation (FAR)?

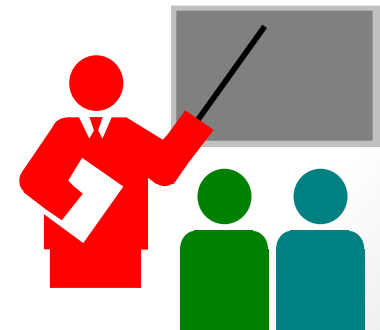
- A. I live and breathe the FAR
- B. Quite a bit!
- C. I've used it once or twice.
- D. I've heard of it.
- E. This is all new to me.

# 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 to 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

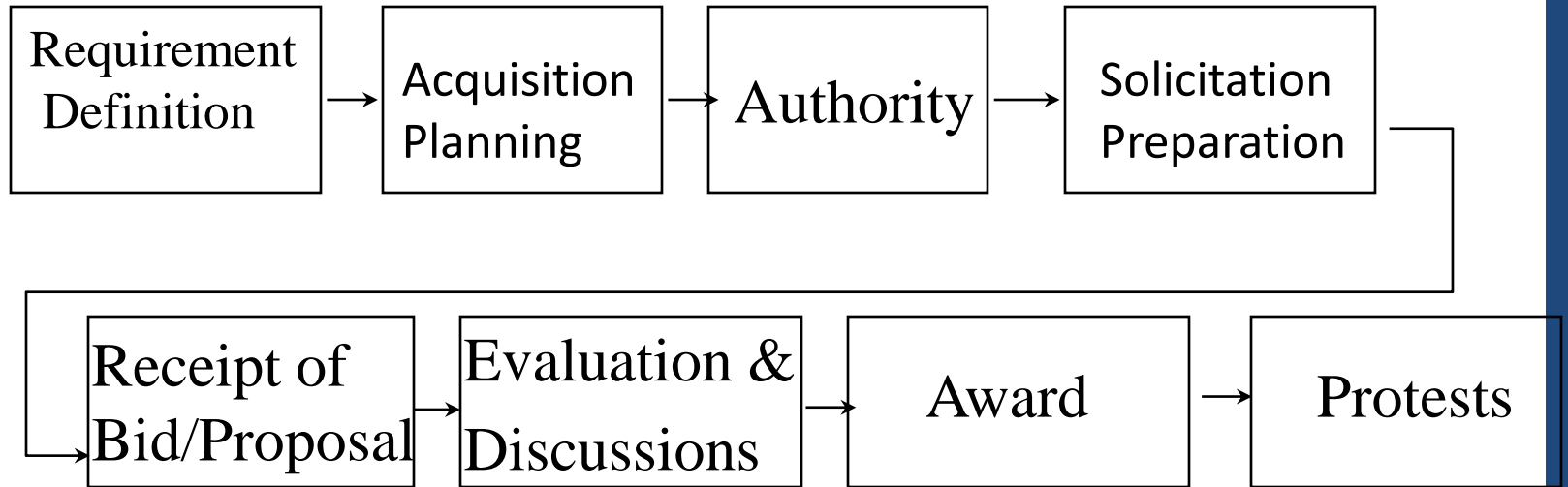
# WHERE'S THE FAR?

- It's part of the Code of Federal Regulations (48 CFR)
- It's online: [www.acquisition.gov](http://www.acquisition.gov)
  - Very searchable
  - Latest updates
  - Prior versions available as well
- It's available in paper copy
- It's available as an app (e.g., "48 CFR by Lawstack")

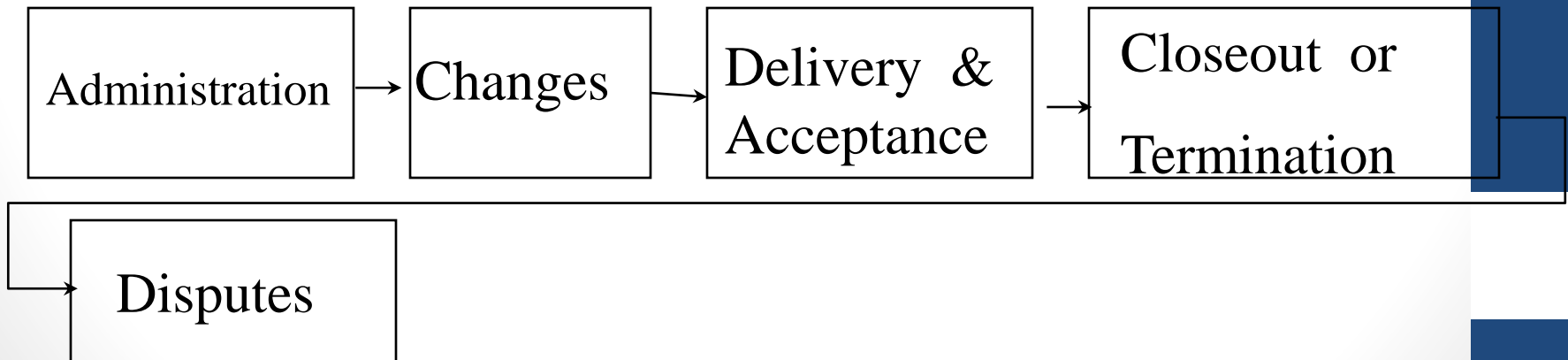


# THE CONTRACTING PROCESS

## *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)



# ORGANIZATION OF THE FAR

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

# ORGANIZATION OF THE FAR

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

# ORGANIZATION OF THE FAR

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

# ORGANIZATION OF THE FAR

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
- 
- FAR Part 53: Forms

# ORGANIZATION OF THE FAR

## 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

# ORGANIZATION OF THE FAR

FAR 52.219-14 (Limitation on Subcontracting)  
(think of it as 52.2/19/-14)

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



# ORGANIZATION OF THE FAR

## 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

# ORGANIZATION OF THE FAR

## 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.

# ORGANIZATION OF THE FAR

## FAR Subpart 52.3: The FAR 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).

# ORGANIZATION OF THE FAR

## FAR Subpart 52.3: The FAR Clause Matrix

PROVISION OR CLAUSE	PRESCRIBED IN	PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT																					
		P OR c	IBR	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
<a href="#">52.202-1</a> Definitions.	<a href="#">2.201</a>	C	Yes	I	R	R	A	R	R	R		R	R	R	R		R	R	R	R		R	
<a href="#">52.203-2</a> Certificate of Independent Price Determination.	<a href="#">3.103-1</a>	P	No	K	A		A		A		A			A	A	A	A	A	A	A		A	
<a href="#">52.203-3</a> Gratuities.	<a href="#">3.202</a>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	
<a href="#">52.203-5</a> Covenant Against Contingent Fees.	<a href="#">3.404</a>	C	Yes	I	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R		R	
<a href="#">52.203-6</a> Restrictions on Subcontractor Sales to the Government.	<a href="#">3.503-2</a>	C	Yes	I	R	R			R	R									R			R	
Alternate I	<a href="#">3.503-2</a>	C	Yes																				R



# ORGANIZATION OF THE FAR

## 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.

# LET'S REVIEW TOGETHER

So where in the FAR you would find guidance regarding the content (including the broader meaning and context) and application of FAR clause 52.215-2?

- A. FAR Part 2
- B. FAR Part 15
- C. FAR Part 215
- D. FAR Part 52.

# LET'S CONTINUE OUR REVIEW

The contracting agency issues a RFQ (SF 1449) for the acquisition of a commercial products. The solicitation contains FAR clause 52.212-4. How do you know whether this clause is mandatory?

- A. All FAR clauses are mandatory ones.
- B. Because it's in FAR Part 52.
- C. The FAR Matrix would provide that information.
- D. The solicitation would provide that information.

# LET'S CONTINUE OUR REVIEW

The contracting agency is issuing a modification, and cites FAR clause 52.243-1, Changes-Fixed Price (Aug 1987) as its authority for doing so. Where would you go to find this clause?

- A. FAR Part 52
- B. The modification that was issued.
- C. FAR Part 43
- D. Why would I want to find/read this clause?



# LET'S CONTINUE OUR REVIEW

The contract's performance work statement (PWS) (i.e., the specifications) states 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?

- A. Webster's Dictionary
- B. FAR Part 2
- C. FAR Part 52
- D. FAR Part 99

# Questions?

[GovCon 101 - Federal Acquisition Regulation](#) March 6 @ 1:00-2:15pm ET

[GovCon 101 - Government Property](#) March 13 @ 1:00-2:15pm ET

[GovCon 101 - Audits](#) March 20 @ 1:00-2:15pm ET

[CovCon 101 - Contract Changes](#) April 10 @ 1:00-2:15pm ET

[GovCon 101 - NAICS](#) May 1 @ 1:00-2:15pm ET

[GovCon 101 - Defense Federal Acquisition Regulation Supplement](#) May 8 @ 1:00-2:15pm ET

[GovCon 101 - Data Rights](#) May 15 @ 1:00-2:15pm ET

[GovCon 101 - Other Transactions Authority](#) June 5 @ 1:00-2:15pm ET

[GovCon 101 - Terms and Conditions](#) June 12 @ 1:00-2:15pm ET

[GovCon 101 - IDIQ Contracting](#) July 31 @ 1:00-2:15pm ET

[GovCon 101 - Proposal Evaluations](#) August 7 1:00-2:15pm ET

[GovCon 101 - Types of Contracts](#) August 21 @ 1:00-2:15pm ET

[GovCon 101 - Uniform Guidance and Grants](#) September 11 @1:00-2:15pm

[GovCon 101 - Cost Type Contracting](#) Sept 18 @ 1:00-2:15pm ET



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