

NECA
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The Basics of Federal Contracting

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Following this session, you will be able to:

- Identify basic contracting concepts to apply to federal projects.
- Explain effective processes to handle disputes.
- Describe mandatory flow-down clauses and negotiated contract clauses.

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Federal Contracting Process

- Mostly RFPs; Not IFBs
- FAR Part 15
- Lowest price doesn't necessarily win – other criteria may dominate
 - Technical Proposal
 - Management Proposal – Resumes
 - Past Performance Ratings
 - Experience

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Unique Aspects of Federal Contracting

- Truth in Negotiations Act
- Criminal Laws
- Socio-Economic Laws
- Audits
- Cost Allowability

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Small Business Preferences

- Small business (including Indian tribes)
- Small disadvantaged business
- Veteran-owned small business
- Service disabled, veteran-owned small business
- HUBZone small business
- Women-owned small business

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Other Small Business Issues

- Teaming Agreements
- Joint Ventures
- Mentor Protégé
- Subcontracting Plans

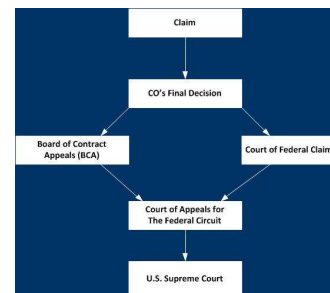
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Subcontract Formation on Federal Projects

- Federal Contracting Officer Involvement
- Flow Down Clauses
 - Mandatory Flow Down Clauses
 - Equal Employment Opportunity
 - Davis Bacon
 - Audits
 - Non-Mandatory Flow Downs But Typical
 - Changes Clause
 - Terminations for Convenience
 - Differing Site Condition

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The Disputes Process on Federal Contracts



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Claims for the Federal Subcontractor

- No privity with government
- Sub cannot file a claim in its own name
- Prime must sponsor/pass through the claim
- Depending on the size of the claim, Sub must certify the claim
- Interest applies

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