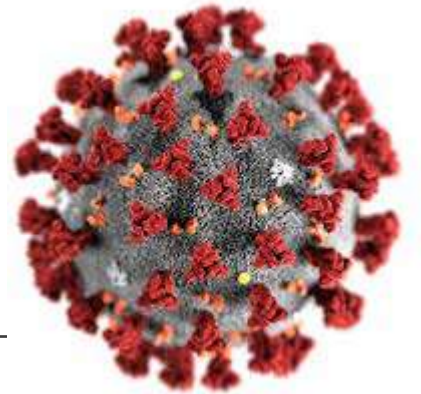


# Protecting the Surety During the COVID-19 Pandemic



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INTRODUCTION TO THE  
FEDERAL ACQUISITION  
REGULATIONS

*Presented by Manier & Herod*  
*[www.manierherod.com](http://www.manierherod.com)*







## **Disclaimer:**

This presentation is for educational purposes and not intended to be legal advice. In any general presentation on legal topics, the audience should seek separate legal advice on their specific cases and facts. In this unique environment dealing with the impacts of a worldwide pandemic, this advice is even more important. The legal analysis of your claim may be dependent on facts, contractual language, laws of your jurisdiction and other issues beyond the scope of this presentation. We hope you find this brief presentation beneficial.







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# Topics Covered

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- Why do you care?
- What is the FAR?
- When does FAR apply?
- Where can you find the FAR?
- How do you cite the FAR?
- When are deviations from the FAR permitted?

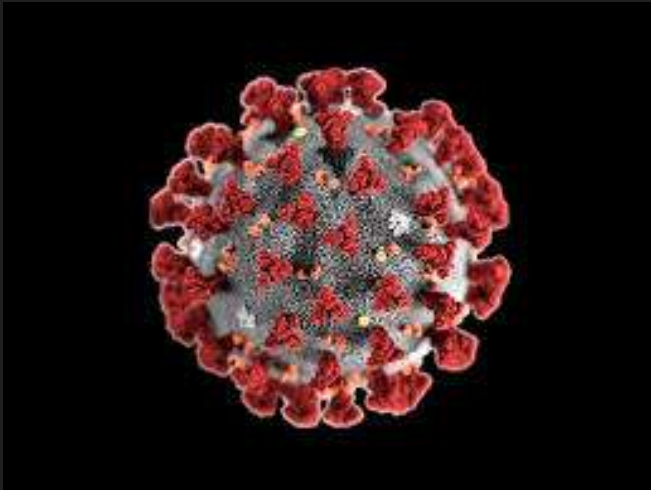
# What is the FAR?

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- Chapter 1 of Title 48 of Code of Federal Regulations
- Primary Document for “the System”
- Purposes?
  - Timeliness
  - Fairness
  - Teamwork
- Flexible or Rigid?

# Introduction to the FAR

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A: General	Pt 1-4
B: Acquisition Planning	Pt 5-12
C: Contracting Methods and Contract Types	Pt 13-18
D: Socioeconomic Programs	Pt 19-26
E: General Contracting Requirements	Pt 27-33
F: Special Categories	Pt 34-41
G: Contract Management	Pt 42-51
H: Vol 2 – Clauses and Forms	Pt 52 & 53

# What is the FAR?

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- Chapter 1 of Title 48 of Code of Federal Regulations
- Primary Document for “the System”
- Purposes?
  - Timeliness
  - Fairness
  - Teamwork
- Flexible or Rigid?

# When does the FAR apply?

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- All “acquisitions” except where expressly excluded
  - Acquisition means the acquiring by contract with appropriated funds of **supplies or services (including construction)** by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated.



# Where can you find the FAR?

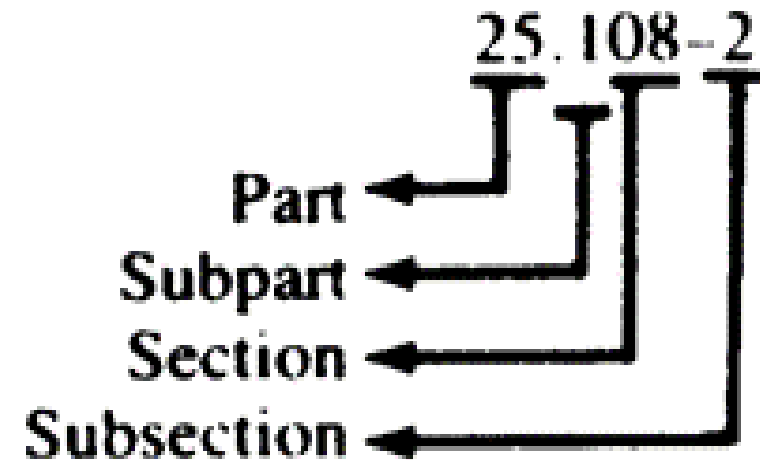
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- Preparation, issuance, and maintenance
  - Administrator of General Services
  - Administrator of NASA
  - Secretary of Defense
- Publications
  - Daily issue of the Federal Register
  - Separate loose-leaf edition
  - Code of Federal Regulations

# How do you cite the FAR?

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- 48 C.F.R. 25.108-2
- FAR 25.108-2



# When are deviations permitted?

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- Flexibility and innovation are encouraged!!!
  - The role of each member of the Acquisition Team is to exercise personal initiative and sound business judgment in providing the best value product or service to meet the customer's needs. In exercising initiative, Government members of the Acquisition Team may assume if a specific strategy, practice, policy or procedure is in the best interests of the Government and is not addressed in the FAR nor prohibited by law (statute or case law), Executive order or other regulation, **that the strategy, practice, policy or procedure is a permissible exercise of authority.**

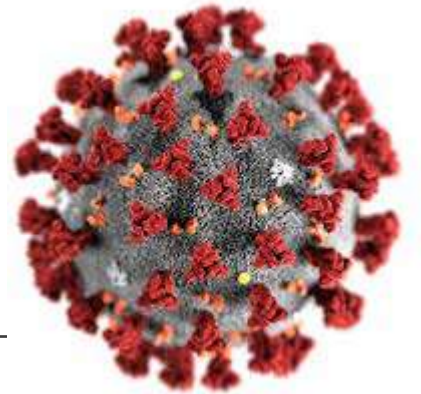
# When are deviations permitted?

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- Flexibility and innovation are encouraged!!!
  - Procedures that are inconsistent with the FAR
  - The omission of otherwise mandatory provisions of the FAR
  - Modifying or altering standard clauses
  - Scope
    - Single contracts
    - Classes of contracts



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