



DEFENSE ACQUISITION UNIVERSITY

CON 290 - Negotiation and Administration of Supply Contracts

130401

Course Learning/Performance Objectives followed by its enabling learning objectives on separate lines if specified.

1	<p>Given a complex fiscal law issue, and working in a team environment, generate a strategy which will resolve that issue.</p> <p>Interpret the major fiscal law statutes and regulations governing Federal contracting.</p> <p>Compile research on given complex fiscal law issue.</p> <p>Analyze research results to identify potential solutions.</p> <p>Recommend potential solutions that can be justified using fiscal law statutes and regulations.</p> <p>Prepare a written document that effectively communicates the results of the team's research efforts.</p> <p>Present the results of the team's proposed resolution effectively via an oral presentation.</p> <p>Produce a solution which will resolve a complex fiscal law-related problem.</p>
2	<p>Given an agency's contract requirement and market research data, accurately determine the commerciality of that requirement.</p> <p>Evaluate the agency requirement description compliance for with FAR Part 11.</p> <p>Recognize whether an item meets the FAR definition of "commercial item".</p> <p>Analyze market research results to determine whether agency needs can be satisfied with existing an commercial item, NDI, modified NDI, or modified requirements.</p>
3	<p>For a given fact pattern, determine whether to contract without providing for full and open competition.</p> <p>Identify FAR Part 6 requirements to provide for full & open competition.</p> <p>Identify FAR Subpart 6.2 requirements for full & open competition after exclusion of sources.</p> <p>Identify FAR Subpart 6.3 exceptions to full & open competition.</p> <p>For a given fact pattern, determine whether providing for other than full & open competition is justified under FAR Part 6.</p>
4	<p>For a given agency requirement and supporting market research data, evaluate a given Justification & Approval (J&A) for FAR Subpart 6.3 compliance.</p> <p>Identify FAR Part 6.3 justification & approval (J&A) requirements.</p> <p>Using a given checklist, assess whether a J&A meets FAR 6.303 requirements</p> <p>Identify compliance deficiencies that would result in a J&A not meeting FAR 6.303 requirements.</p> <p>Recommend changes to correct identified J&A compliance deficiencies.</p>
5	<p>Given an agency requirement, determine whether an undefinitized contract action (UCA) should be used to mitigate contract schedule risk.</p> <p>Interpret FAR and DFARS policies for issuing UCAs.</p> <p>Recognize the contract risks associated with using a UCA and the DFARS limitation imposed to mitigate each risk.</p> <p>For a given an agency requirement, determine whether to issue a UCA after weighing the risks and benefits of doing so.</p>
6	<p>Given an agency requirement and supporting market research data, select an appropriate contracting method.</p> <p>Identify the types of FAR contracting methods.</p> <p>Identify the circumstances under which each FAR contracting method is used.</p> <p>For a given agency requirement, determine which FAR contracting method is appropriate to use.</p>
7	<p>Given an agency requirement and supporting market research data, select a contract type & incentive structure that motivates contractor performance while mitigating contract risks.</p> <p>Identify contract risk, including cost, schedule and performance risk.</p> <p>Recognize when and how the different contract types may be used to motivate contractor performance.</p> <p>Recognize when and how the three types of contract incentives (cost, schedule and performance) are used to motivate contractor performance.</p> <p>Determine which contract types will mitigate identified contract risks, including cost, schedule and performance risk.</p>
8	<p>Given an agency requirement and contract type, select appropriate type of financing.</p> <p>Identify the types of contract financing options available under FAR Part 32.</p> <p>Recognize the conditions under which each type of contract financing are used.</p> <p>Given an agency requirement and contract type, determine whether contract financing should be offered.</p>
9	<p>Given an agency requirement and contract type, determine whether contract options should be included in a contract.</p> <p>Identify the FAR policies for using contract options.</p>



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	Recognize the conditions under which contract options are included in a contract.
10	Identify the major elements and components of a given solicitation.
	Recognize the sections of the Uniform Contract Format.
	Recognize the properties of a CPFF completion contract type, including statutory fee limitations.
	Recognize when certified cost and pricing data is required.
	Determine whether a cost is "allowable" in accordance with FAR requirements.
	Identify the Gov't responsibilities when providing government-furnished property (GFP).
	Identify conditions under which the Gov't acquires title to property acquired under a Gov't contract.
	Recognize a potential organizational conflict of interest.
11	Given a fact pattern, select the appropriate DFARS data rights license.
	Identify the DoD policy for acquiring rights in technical data
	Identify the four DFARS data rights licenses and their properties.
	Select the appropriate DFARS data rights license clause for a given fact pattern.
12	For a given scenario, evaluate a contractor's proposal using cost analysis to determine whether the price is fair and reasonable.
	Recognize the Government policy on pricing.
	Recognize when cost analysis is used to evaluate a contractor's proposal.
	Recognize the elements of cost included in cost analysis.
	Recognize the formula for calculating an overhead rate.
	For a given pool and base, calculate an overhead rate.
	Using regression analysis, evaluate a contractor's proposed indirect rates.
	Using DFARS weighed guidelines, evaluate contractor proposed profit.
Evaluate a contractor's proposed cost of money.	
13	Given a complex contract requirement, apply basic negotiation techniques applicable to Government contracting in order to role-play negotiations with a contractor in a non-competitive setting.
	Recognize the negotiation techniques from Cost and Pricing reference Guide, Volume 5
	Using key principles introduced in Stanford University's "Sluggers Come Home" negotiation video, successfully construct elements of a negotiate strategy.
	Recognize the basic negotiation techniques recommended by Stanford University's "Sluggers Come Home" negotiation video.
14	Given a contractor's CPFF completion proposal and related Government audit and technical evaluation documentation, develop a Government pre-negotiation objective.
	For a given KTR proposal and related Government audit and technical evaluation documentation, identify material issues for negotiation.
	For each given cost element, perform cost analysis on the contractor's proposed costs.
	Select an appropriate DFARS data rights license.
	Recognize potential excessive pass-through under FAR 52.215-23.
	Evaluate whether excessive pass-through exists.
	Evaluate the impact of, and alternatives to, contractor's proposed schedule not meeting the Government's schedule requirement.
	Develop a pre-negotiation objective based on the results of cost analysis.
	Using a given format, document the pre-negotiation objective cost, fee and issue positions in a written pre-PNM in accordance with FAR 15.406-1.
	Using a given Excel spreadsheet, document the calculations used to derive the pre-negotiation objective cost positions.
15	For a given negotiation, develop a strategy for the negotiation scenario by conducting the necessary fact-finding.
	Determine whether fact-finding is appropriate.
	Develop appropriate fact-finding questions.
	Perform fact-finding within given time constraints.
16	For a given previously developed pre-negotiation objective, orally present the objective to a business clearance official to obtain approval to start negotiations.



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	Recognize the purpose of a business clearance briefing.
	Based on a developed pre-PNM, develop written briefing slides to facilitate oral presentation of pre-negotiation objective positions.
	Orally present the developed pre-negotiation objective.
	Orally defend the pre-negotiation objective positions in response to approving official questioning.
17	Given an approved pre-negotiation objective, teams will perform face-to-face contract negotiations with the goal of achieving a fair and equitable deal.
	Recognize FAR 15.306 limits on, and guidance for, exchanges with offerors after receipt of proposals.
	Put into use recommended negotiation techniques to negotiate a contract based on an approved pre-negotiation objective.
18	Calculate the point of total assumption (PTA) for a given fixed-price incentive firm (FPIF) contract.
	Recognize the characteristics of an FPIF contract type.
	Recognize the formula to calculate PTA.
	Given the required FPIF elements, apply the formula to calculate PTA.
	Recognize the impact of PTA on contractor performance.
19	For a given fact scenario, determine whether a contractor's request for performance-based payments should be made.
	Identify the types of financing available for use in Federal contracts and their characteristics.
	Recognize FAR Part 32 conditions for approving performance-based payments.
	For a given fact scenario, determine whether a contractor's request for performance-based payments should be made based on FAR conditions for approving performance-based payments.
20	For a given fact scenario, evaluate potential bases for, and Government defenses to, a contractor protest.
	Identify the FAR Part 33 rules pertaining to agency and GAO protests.
	Identify general bases for, and Government defenses to, contractor protests.
	Apply the FAR Part 33 rules pertaining to agency and GAO protests.
21	For a given contract, develop a contract administration plan.
	Recognize the FAR contract administration functions necessary to properly administer a contract.
	Recognize which contract administration functions are delegable to a contract administration office (CAO).
	Recognize the items that should be addressed in a contract administration plan
22	Given FAR Part 42, complete a post-award orientation such that for a given contract, the contractor and the Government have a complete understanding of their roles, the contract requirements, terms, and conditions and have the opportunity to identify and resolve potential or actual problems.
	Recognize the FAR Part 42 factors to consider when determining whether to conduct a post-award orientation.
	Recognize the FAR requirements for conducting a post-award orientation.
23	For a given fact scenario, evaluate available Government remedies for nonconforming goods.
	Recognize FAR Part 12 rules for accepting commercial items and Government remedies for post-acceptance defects.
	Recognize FAR Part 46 rules for accepting non-commercial items and Government remedies for post-acceptance defects.
	For a given fact scenario, identify available Government remedies for nonconforming goods based on FAR rules for post-acceptance defects.
24	For a given fact scenario, determine whether fraud has potentially occurred.
	Identify basic elements for proving a case of fraud.
	Differentiate between criminal versus civil fraud.
	Identify the elements for proving fraud under the Civil False Claims Act.
	Identify the appropriate contracting officer action when potential fraud is identified.
	For a given fact scenario, determine whether fraud has occurred under the Civil False Claims Act and the appropriate contracting officer response.
25	For a given fact scenario, determine whether a contemplated contract change can be made using the contract's Changes Clause.
	Apply the two-part Changes Test used to determine whether a change may be made under a contract's Changes Clause.
	Apply the two court tests used to determine whether a contemplated change is within the scope of the contract.



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	For a given fact scenario, determine whether a contemplated contract change can be made using the contract's Changes Clause by applying the Changes Test.
	Determine the contractor's performance responsibilities when a change order is received.
	Determine whether a contemplated change can be made unilaterally under a commercial contract.
	Identify the FAR requirements that must be considered when definitizing a change order.
	For a given fact scenario, recognize the implications of "implied authority" to a KTR's constructive change assertion.
26	For a given fact scenario, determine what alternatives are available to make a contemplated contract change if the change is not within the scope of the contract.
	Identify the two alternatives available for making out-of-scope changes and the conditions and rules applicable to each alternative.
	For a given contract and contemplated out-of-scope contract change, identify the alternatives available to make the change based on the rules for making out-of-scope changes.
27	For a given fact scenario, evaluate whether a given contractor request for equitable adjustment proposal is reasonable.
	Identify the Government's goal in negotiating an equitable adjustment to a contract.
	Identify the process for definitizing an equitable adjustment to a contract.
	Identify the requirements of the FAR Table 15-2 format for contract modifications.
	Identify the methods for evaluating the reasonableness of requests for equitable adjustments, and the conditions under which each should be used.
	Prepare an improvement curve analysis in situations where it is appropriate to evaluate contractor proposed labor.
	Determine the appropriate EA amount by applying the proper Table 15-2 format
	Recognize when certified cost and pricing data is required with a request for equitable adjustment proposal
28	For a given scenario, calculate the amount of a contractor's lost efficiency resulting from a contract change.
	Recognize when a contractor is entitled to consideration for production labor lost efficiency.
	"Using improvement curve analysis, estimate a contractor's production labor average unit cost (AUC) for undeleted work before and after a contract change.
	Calculate lost efficiency by multiplying the delta between the AUC before and after the change by the applicable labor rate & applying applicable burdens and profit.
29	Given a contractor's request for equitable adjustment, determine the equitable adjustment terms so that face-to-face negotiations can be conducted.
	For each given cost element, perform cost analysis on the contractor's proposed costs.
	Perform improvement curve analysis to determine the reasonableness of production labor estimates for proposed added work and to estimate labor for deleted work.
	Perform regression analysis in order to estimate the relationships among variables.
	Determine the reasonableness of proposed indirect rates by considering the applicability and impact of other applicable data.
	Develop a pre-negotiation objective based on the results of cost analysis.
	Orally present the developed pre-negotiation objective to an approving official.
	Within a team setting, perform face-to-face contract negotiations based on an approved pre-negotiation objective.
30	Given a factual scenario, identify applicable the rules and steps for submitting and processing a contractor claim under the Contract Disputes Act.
	Identify the contracting officer's alternatives for settling a potential contractor claim.
	Identify the requirements for submitting a contractor or Government claim under the Contract Disputes Act.
	Identify the contracting officer's alternatives to settling a contractor claim without issuing a Contracting Officer's Final Decision (COFD).
	Identify the elements of a COFD under FAR Part 33.
	Identify the contractor's administrative and legal options for appealing a COFD.
31	Given a fact-based scenario, determine when defective pricing has occurred so that appropriate corrective actions may be taken.
	Given the Truth in Negotiations Act (TINA) definition of certified cost and pricing data (CC&PD), identify the conditions under which a contractor is required to submit CC&PD.



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	Identify the elements the Government must prove to establish a case of contractor defective pricing and how the Government typically proves each element.
	Identify potential contractor allowed and prohibited defenses to defective pricing.
	Identify potential contractor penalties if defective pricing is proven.
32	For a given contract performance scenario, evaluate the Government termination options and associated settlement methods and procedures available to the Government.
	Identify the different types of terminations under Government contracts and the circumstances under which each should be used.
	Identify the methods used to determine the amount of termination settlement.
	Identify the FAR rules applied to determine the amount of termination settlement.
	Identify the FAR rules applied to determine the adjustment for loss in a termination settlement
	Recognize the formula for calculating and adjusting settlement for contractor losses.
	Calculate the adjustment for contractor losses in a termination settlement.
33	Given a set of contract performance facts and Government comments, evaluate contractor performance after contract completion.
	Recognize FAR requirements for assessing and documenting contractor performance.
	Recognize typical ratings used to assess contractor performance within DoD and how to apply those ratings using given assessment inputs.
34	Given the FPIF elements and relevant cost data, calculate the final price and final profit under an FPIF contract.
	Recognize the data and formulas required to determine final price and final profit under an FPIF contract.
	Calculate final profit and price of an FPIF contract.
	Interpret the FAR Rules associated with a final price revision for an FPIF contract
	Recognize the FAR policies for adjusting termination settlements for contractor losses
35	For a given fact scenario, determine whether all requirements have been met to close out a Government contract.
	Recognize the FAR requirements to close out a contract.
	Recognize potential issues that prevent a contract from being closed out.
36	Investigate new issues and initiatives in DoD contracting.
	Recognize research techniques for identifying latest DoD contracting issues and initiatives.
	Using appropriate research techniques, identify current DoD issues and initiatives.