PART I. OVERVIEW (CONTINUED)

CHAPTER 1. INTRODUCTION

§ 1:1 Introduction

CHAPTER 2. HISTORICAL BACKGROUND

I. COST PRINCIPLES

- § 2:1 Early cost principles
- § 2:2 Armed services procurement regulation
- § 2:3 Federal acquisition regulation
- § 2:4 Defense Procurement Improvement Act of 1985

II. TRUTHFUL COST OR PRICING DATA ACT

§ 2:5 Overview

III. COST ACCOUNTING STANDARDS

- § 2:6 Overview
- § 2:7 Feasibility study
- § 2:8 Original cost accounting standards board
- § 2:9 Inter-Board Period
- § 2:10 Current cost accounting standards board

IV. AUDIT AND OVERSIGHT

§ 2:11 Overview

V. ACQUISITION REFORM

- § 2:12 Overview
- § 2:13 Section 800 panel
- § 2:14 Federal Acquisition Streamlining Act of 1994
- § 2:15 Clinger-Cohen Act
- § 2:16 Cost accounting standards board review panel
- § 2:17 "Streamlining" FAR Part 31
- § 2:18 Having second thoughts

CHAPTER 3. ANALYTICAL FRAMEWORK

- § 3:1 Background
- § 3:2 Statutes
- § 3:3 Regulations
- § 3:4 —Statutory authority
- § 3:5 —Rulemaking procedures

§ 3:6 Contract terms

CHAPTER 4. TYPES OF CONTRACTS

- § 4:1 Overview
- § 4:2 Fixed-price contracts
- § 4:3 Cost-reimbursement contracts
- § 4:4 Incentive contracts
- § 4:5 Fixed-price incentive contracts
- § 4:6 Cost-plus-incentive-fee contracts
- § 4:7 Award fee contracts
- § 4:8 Indefinite-delivery contracts

CHAPTER 5. CONTRACTING METHODS

- § 5:1 Overview
- § 5:2 Sealed bidding
- § 5:3 Contracting by negotiation
- § 5:4 Acquisitions of commercial items
- § 5:5 Simplified acquisition procedures
- § 5:6 Actions at or below the micro-purchase threshold

PART II. COST PRINCIPLES

CHAPTER 6. COST PRINCIPLES OVERVIEW

I. COST PRINCIPLES OVERVIEW

§ 6:1 Background

II. APPLICABILITY BY TYPE OF CONTRACT

- § 6:2 Overview
- § 6:3 Pricing of contracts, subcontracts and modifications
- § 6:4 Determination, negotiation or allowance of costs

III. APPLICABILITY BY TYPE OF ORGANIZATION

- § 6:5 Commercial organizations
- § 6:6 Educational Institutions
- § 6:7 State, local, and federally recognized Indian tribal governments
- § 6:8 Nonprofit organizations

CHAPTER 7. GENERAL COST PRINCIPLES FOR CONTRACTS WITH COMMERCIAL ORGANIZATIONS

- § 7:1 Composition of total cost
- § 7:2 —Direct cost
- § 7:3 —Indirect cost
- § 7:4 —Consistency in distinguishing between direct and indirect costs

- § 7:5 Allowability
- § 7:6 —Reasonableness
- § 7:7 —Allocability
- § 7:8 —CAS, if applicable; or GAAP appropriate in the circumstances
- § 7:9 —Terms of the contract
- § 7:10 —Limitations in FAR Subpart 31.2
- § 7:11 Credits
- § 7:12 Unallowable costs
- § 7:13 Advance agreements
- § 7:14 Limitations on pass-through charges

CHAPTER 8. FAR 31.205-1, PUBLIC RELATIONS AND ADVERTISING COSTS

§ 8:1 Overview

CHAPTER 9. FAR 31.205-2, [RESERVED]

§ 9:1 Overview

CHAPTER 10. FAR 31.205-3, BAD DEBTS

§ 10:1 Overview

CHAPTER 11. FAR 31.205-4, BONDING COSTS

§ 11:1 Overview

CHAPTER 12. FAR 31.205-5, [RESERVED]

§ 12:1 Overview

CHAPTER 13. FAR 31.205-6, COMPENSATION FOR PERSONAL SERVICES

- § 13:1 Overview
- § 13:2 General criteria
- § 13:3 Reasonableness
- § 13:4 Offsets
- § 13:5 Additional limitations on specific elements of compensation
- § 13:6 —Differential pay
- § 13:7 —Bonuses and incentive compensation
- § 13:8 —Severance pay
- § 13:9 —Backpay
- § 13:10 —Corporate securities
- § 13:11 —Pensions
- § 13:12 —Post-retirement benefits other than pensions
- § 13:13 —Employee stock ownership plans
- § 13:14 —Deferred compensation
- § 13:15 —Special rules for business acquisitions
- § 13:16 —Fringe benefits
- § 13:17 —Employee rebates and discounts

- § 13:18 Salary "caps"
- § 13:19 Government reviews
- § 13:20 —Use of salary surveys
- § 13:21 —Salary caps

CHAPTER 14. FAR 31.205-7, CONTINGENCIES

§ 14:1 Overview

CHAPTER 15. FAR 31.205-8, CONTRIBUTIONS OR DONATIONS

- § 15:1 Overview
- § 15:2 Case law interpretation

CHAPTER 16. FAR 31.205-9, [RESERVED]

16:1 Overview

CHAPTER 17. FAR 31.205-10, COST OF MONEY

- § 17:1 Overview
- § 17:2 Operation of the cost principle

CHAPTER 18. FAR 31.205-11, DEPRECIATION

- § 18:1 Introduction
- § 18:2 CAS 409
- § 18:3 Determining depreciable cost
- § 18:4 Assets acquired from affiliates under common control
- § 18:5 Fully depreciated assets
- § 18:6 Assets acquired in a business combination
- § 18:7 Impairment of long-lived assets
- § 18:8 Capital leases
- § 18:9 Emergency facilities

CHAPTER 19. FAR 31.205-12, ECONOMIC PLANNING COSTS

- § 19:1 Overview
- § 19:2 Case law interpretation

CHAPTER 20. FAR 31.205-13, EMPLOYEE MORALE, HEALTH, WELFARE, FOOD SERVICE, AND DORMITORY COSTS AND CREDITS

- § 20:1 Overview
- § 20:2 Case law interpretation

CHAPTER 21. FAR 31.205-14, ENTERTAINMENT COSTS

§ 21:1 Overview

§ 21:2 Case law interpretation

CHAPTER 22. FAR 31.205-15, FINES, PENALTIES, AND MISCHARGING COSTS

- § 22:1 Overview
- § 22:2 Fines and penalties
- § 22:3 Mischarging costs

CHAPTER 23. FAR 31.205-16, GAINS AND LOSSES ON DISPOSITION OR IMPAIRMENT OF DEPRECIABLE PROPERTY OR OTHER CAPITAL ASSETS

- § 23:1 Overview
- § 23:2 Operation of the cost principle

CHAPTER 24. FAR 31.205-17, IDLE FACILITIES AND IDLE CAPACITY COSTS

- § 24:1 Overview
- § 24:2 Case-law interpretation and operation of the cost principle
- § 24:3 —Idle facilities
- § 24:4 —Idle capacity

CHAPTER 25. FAR 31.205-18, INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS

- § 25:1 Overview
- § 25:2 History of the cost principle
- § 25:3 Operation of the cost principle
- § 25:4 Case law interpretation
- § 25:5 "Independent" v. "sponsored" or "required" effort
- § 25:6 —Independent development v. Manufacturing and production engineering
- § 25:7 —B&P v. Selling
- § 25:8 —Teaming agreements

CHAPTER 26. FAR 31.205-19, INSURANCE AND INDEMNIFICATION

- § 26:1 Overview
- § 26:2 Case law interpretation—Allowability and allocability of insurance costs
- § 26:3 —Insurance as a potential limitation on recovery from the government
- § 26:4 —Government indemnification
- § 26:5 —Government contractor defense

CHAPTER 27. FAR 31.205-20, INTEREST AND OTHER FINANCIAL COSTS

- § 27:1 Overview
- § 27:2 Case law interpretation

CHAPTER 28. FAR 31.205-21, LABOR RELATIONS COSTS

- § 28:1 Overview
- § 28:2 Case law interpretation

CHAPTER 29. FAR 31.205-22, LOBBYING AND POLITICAL ACTIVITY COSTS

- § 29:1 Overview
- § 29:2 History of the cost principle
- § 29:3 Case law interpretation

CHAPTER 30. FAR 31.205-23, LOSSES ON OTHER CONTRACTS

§ 30:1 Overview

CHAPTER 31. FAR 31.205-24, [RESERVED]

§ 31:1 Overview

CHAPTER 32. FAR 31.205-25, MANUFACTURING AND PRODUCTION ENGINEERING COSTS

- § 32:1 Overview
- § 32:2 Case law interpretation

CHAPTER 33. FAR 31.205-26, MATERIAL COSTS

- § 33:1 Overview
- § 33:2 Case law interpretation—Interorganizational transfers
- § 33:3 —Materials purchased specifically for the contract
- § 33:4 —Materials issued from inventory

CHAPTER 34. FAR 31.205-27, ORGANIZATION COSTS

- § 34:1 Overview
- § 34:2 History of the cost principle
- § 34:3 Case law interpretation

CHAPTER 35. FAR 31.205-28, OTHER BUSINESS EXPENSES

§ 35:1 Overview

CHAPTER 36. FAR 31.205-29, PLANT PROTECTION COSTS

§ 36:1 Overview

CHAPTER 37. FAR 31.205-30, PATENT COSTS

- § 37:1 Overview
- § 37:2 History of the cost principle and case law interpretation

CHAPTER 38. FAR 31.205-31, PLANT RECONVERSION COSTS

- § 38:1 Overview
- § 38:2 Case law interpretation

CHAPTER 39. FAR 31.205-32, PRECONTRACT COSTS

- § 39:1 Overview
- § 39:2 Case law interpretation
- § 39:3 "Directly pursuant to the negotiation and in anticipation of the contract award"
- § 39:4 "Necessary to comply with the proposed contract delivery schedule"
- § 39:5 Advance agreements and meaning of "at risk"

CHAPTER 40. FAR 31.205-33, PROFESSIONAL AND CONSULTANT SERVICE COSTS

- § 40:1 Overview
- § 40:2 Allowability—In general
- § 40:3 —Retainer fees
- § 40:4 —Unallowable costs
- § 40:5 —Documentation requirements

CHAPTER 41. FAR 31.205-34, RECRUITMENT COSTS

- § 41:1 Overview
- § 41:2 Case law interpretation

CHAPTER 42. FAR 31.205-35, RELOCATION COSTS

- § 42:1 Overview
- § 42:2 Case law interpretation

CHAPTER 43. FAR 31.205-36, RENTAL COSTS

- § 43:1 Overview
- § 43:2 Case law interpretation—General
- § 43:3 —Leases between organizations under common control
- § 43:4 —Sale and leaseback

CHAPTER 44. FAR 31.205-37, ROYALTIES AND OTHER COSTS FOR USE OF PATENTS

- § 44:1 Overview
- § 44:2 Case law interpretation

CHAPTER 45. FAR 31.205-38, SELLING COSTS

- § 45:1 Overview
- § 45:2 Case law interpretation

CHAPTER 46. FAR 31.205-39, SERVICE AND WARRANTY COSTS

§ 46:1 Overview

CHAPTER 47. FAR 31.205-40, SPECIAL TOOLING AND SPECIAL TEST EQUIPMENT

- § 47:1 Overview
- § 47:2 Case law interpretation

CHAPTER 48. FAR 31.205-41, TAXES

- § 48:1 Overview
- § 48:2 Case law interpretation—Meaning of "required to be paid" and "paid or accrued"
- § 48:3 —Allocation of state and local taxes
- § 48:4 —Tax refunds and credits
- § 48:5 —Interest and penalties

CHAPTER 49. FAR 31.205-42, TERMINATION COSTS

- § 49:1 Overview
- § 49:2 Selected items of cost—Common items
- § 49:3 —Costs continuing after termination
- § 49:4 —Initial costs
- § 49:5 —Loss of useful value
- § 49:6 —Rental under unexpired leases
- § 49:7 —Settlement expenses
- § 49:8 —Subcontractor claims

CHAPTER 50. FAR 31.205-43, TRADE, BUSINESS, TECHNICAL, AND PROFESSIONAL ACTIVITY COSTS

- § 50:1 Overview
- § 50:2 Case law interpretation

CHAPTER 51. FAR 31.205-44, TRAINING AND EDUCATION COSTS

§ 51:1 Overview

§ 51:2 Case law interpretation

CHAPTER 52. FAR 31.205-45, [RESERVED]

§ 52:1 Overview

CHAPTER 53. FAR 31.205-46, TRAVEL COSTS

- § 53:1 Overview and history of the cost principle
- § 53:2 Case law interpretation—"Official company business"
- § 53:3 —Direct v. indirect charges
- § 53:4 —Travel v. relocation
- § 53:5 —First class air travel

CHAPTER 54. FAR 31.205-47, COSTS RELATED TO LEGAL AND OTHER PROCEEDINGS

- § 54:1 Overview
- § 54:2 —Major Fraud Act of 1988
- § 54:3 —Unallowable proceedings
- § 54:4 —Qui Tam suits
- § 54:5 "Blacklisting" regulation
- § 54:6 Allowability and allocability
- § 54:7 —Reasonableness
- § 54:8 —Allocability based on benefit to the government
- § 54:9 —"Direct" v. "indirect" costs
- § 54:10 —"Claims" and "appeals"

CHAPTER 55. FAR 31.205-48, DEFERRED RESEARCH AND DEVELOPMENT COSTS

§ 55:1 Overview

CHAPTER 56. FAR 31.205-49, GOODWILL

- § 56:1 Overview
- § 56:2 Accounting for goodwill under GAAP and CAS
- § 56:3 History of the cost principle

CHAPTER 57. FAR 31.205-50, [RESERVED]

§ 57:1 Overview

CHAPTER 58. FAR 31.205-51, COSTS OF ALCOHOLIC BEVERAGES

§ 58:1 Overview

CHAPTER 59. FAR 31.205-52, ASSET VALUATIONS RESULTING FROM BUSINESS COMBINATIONS

- § 59:1 Introduction
- § 59:2 Operation of the cost principle

- § 59:3 CAS-FAR conflict
- § 59:4 —Existing impediments to asset revaluation
- § 59:5 —Creating the "apparent conflict"
- § 59:6 —Resolving the "apparent conflict"

PART III. COST ACCOUNTING STANDARDS

CHAPTER 60. COST ACCOUNTING STANDARDS OVERVIEW

- § 60:1 Overview
- § 60:2 Applicability, thresholds and waivers
- § 60:3 —Exemptions
- § 60:4 —Waivers
- § 60:5 —CAS coverage thresholds
- § 60:6 —Disclosure statement thresholds
- § 60:7 —Applying the thresholds
- § 60:8 CAS requirements, rules and regulations
- § 60:9 —Disclosure of cost accounting practices
- § 60:10 —Contract adjustments
- § 60:11 ——Required and desirable changes
- § 60:12 ——Noncompliant practices
- § 60:13 — Unilateral changes
- § 60:14 ——Determining increased cost paid
- $\S 60:15$ Offsets
- § 60:16 —Change in cost accounting practice
- § 60:17 ——The CAS board's aborted effort to revise the definition
- § 60:18 ——DoD's controversial guidance paper
- § 60:19 —Audit rights
- § 60:20 CAS administration
- § 60:21 —Responsibility
- § 60:22 —Determination of noncompliance
- § 60:23 —Cost impact process
- § 60:24 —Process for changes to disclosed or established cost accounting practices
- § 60:25 —Process for noncompliances
- § 60:26 —Resolving cost impacts
- § 60:27 Contractor appeals
- § 60:28 Subcontracts
- § 60:29 Format of the standards

CHAPTER 61. CAS-FAR CONFLICTS

§ 61:1 Introduction

CHAPTER 62. CAS 401, CONSISTENCY IN ESTIMATING, ACCUMULATING AND REPORTING COSTS

§ 62:1 Introduction

§ 62:2 Fundamental requirements and techniques for application

CHAPTER 63. CAS 402, CONSISTENCY IN ALLOCATING COSTS INCURRED FOR THE SAME PURPOSE

- § 63:1 Introduction
- § 63:2 Fundamental requirements and techniques for application

CHAPTER 64. CAS 403, ALLOCATION OF HOME OFFICE EXPENSES TO SEGMENTS

- § 64:1 Introduction
- § 64:2 Fundamental requirements and techniques for application

CHAPTER 65. CAS 404, CAPITALIZATION OF TANGIBLE ASSETS

- § 65:1 Introduction
- § 65:2 Fundamental requirements and techniques for application— Written policy for capitalization
- § 65:3 —Determining the cost of acquisition
- § 65:4 ——Leased assets
- § 65:5 ——Self-constructed assets
- § 65:6 ——Assets acquired in a non-arm's length transaction
- § 65:7 ——Assets acquired in a business combination
- § 65:8 —Treatment of gains or losses resulting from business combinations

CHAPTER 66. CAS 405, ACCOUNTING FOR UNALLOWABLE COSTS

- § 66:1 Introduction
- § 66:2 Fundamental requirements and techniques for application

CHAPTER 67. CAS 406, COST ACCOUNTING PERIOD

- § 67:1 Introduction
- § 67:2 Fundamental requirements and techniques for application

CHAPTER 68. CAS 407, USE OF STANDARD COSTS FOR DIRECT MATERIAL AND DIRECT LABOR

- § 68:1 Introduction
- § 68:2 Fundamental requirements and techniques for application

CHAPTER 69. CAS 408, ACCOUNTING FOR COSTS OF COMPENSATED PERSONAL ABSENCE

§ 69:1 Introduction

§ 69:2 Fundamental requirements and techniques for application

CHAPTER 70. CAS 409, DEPRECIATION OF TANGIBLE CAPITAL ASSETS

- § 70:1 Introduction
- § 70:2 Fundamental requirements and techniques for application
- § 70:3 —Measurement of depreciation cost
- § 70:4 ——Depreciable cost
- § 70:5 ——Estimated service life
- § 70:6 ——Depreciation method
- § 70:7 ——Changes
- § 70:8 —Allocation of depreciation cost
- § 70:9 —Treatment of gains and losses

CHAPTER 71. CAS 410, ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSES TO FINAL COST OBJECTIVES

- § 71:1 Introduction
- § 71:2 Fundamental requirements and techniques for application
- § 71:3 WG 78-21 and DCAA's preference for the total cost input base

CHAPTER 72. CAS 411, ACCOUNTING FOR ACQUISITION COSTS OF MATERIAL

- § 72:1 Introduction
- § 72:2 Fundamental requirements and techniques for application

CHAPTER 73. CAS 412, COST ACCOUNTING STANDARD FOR COMPOSITION AND MEASUREMENT OF PENSION COST

- § 73:1 Introduction
- § 73:2 Fundamental requirements and techniques for application
- § 73:3 —Defined contribution pension plans
- § 73:4 —Defined benefit pension plans accounted for on a pay-as-you-go
- § 73:5 —Defined benefit pension plans other than those accounted for on a pay-as-you-go basis
- § 73:6 ——Measurement
- § 73:7 ——Assignment
- § 73:8 ——Funding and allocation

CHAPTER 74. CAS 413, ADJUSTMENT AND ALLOCATION OF PENSION COST

- § 74:1 Introduction
- § 74:2 Government claims to surplus pension assets

- § 74:3 —Original CAS 413
- § 74:4 —Chronology of regulatory changes
- § 74:5 Fundamental requirements and techniques for application— Accounting for actuarial gains and losses
- § 74:6 —Asset valuation
- § 74:7 —Allocation of pension costs among segments
- § 74:8 —Segment closing adjustments

CHAPTER 75. CAS 414, COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL

- § 75:1 Introduction
- § 75:2 Fundamental requirements and techniques for application
- § 75:3 —Investment base
- § 75:4 —Cost of money rate
- § 75:5 —Allocation base

CHAPTER 76. CAS 415, ACCOUNTING FOR THE COST OF DEFERRED COMPENSATION

- § 76:1 Introduction
- § 76:2 Fundamental requirements and techniques for application— General
- § 76:3 —Accounting for the cost of employee stock ownership plans

CHAPTER 77. CAS 416, ACCOUNTING FOR INSURANCE COSTS

- § 77:1 Introduction
- § 77:2 Fundamental requirements and techniques for application— Measurement of insurance costs
- § 77:3 ——Purchased insurance
- § 77:4 ——Self-insurance
- § 77:5 —Allocation of insurance costs

CHAPTER 78. CAS 417, COST OF MONEY AS AN ELEMENT OF THE COST OF CAPITAL ASSETS UNDER CONSTRUCTION

- § 78:1 Introduction
- § 78:2 Fundamental requirements and techniques for application

CHAPTER 79. CAS 418, ALLOCATION OF DIRECT AND INDIRECT COSTS

- § 79:1 Introduction
- § 79:2 Fundamental requirements and techniques for application

CHAPTER 80. [RESERVED]

§ 80:1 Overview

CHAPTER 81. CAS 420, ACCOUNTING FOR INDEPENDENT RESEARCH AND DEVELOPMENT COSTS AND BID AND PROPOSAL COSTS

- § 81:1 Introduction
- § 81:2 Fundamental requirements and techniques for application

CHAPTER 82. ACCOUNTING FOR COSTS OF POST-RETIREMENT BENEFITS OTHER THAN PENSIONS

- § 82:1 Overview
- § 82:2 Allowability under FAR 31.205-6
- § 82:3 CAS coverage
- § 82:4 Government liability for past service PRB costs
- § 82:5 —Segment closing adjustments under the FAR
- § 82:6 —Segment closing adjustments under the CAS
- § 82:7 —Extraordinary contractual relief under Public Law 85-804

CHAPTER 83. COST ACCOUNTING STANDARDS FOR EDUCATIONAL INSTITUTIONS

- § 83:1 Overview
- § 83:2 CAS 501, consistency in estimating, accumulating and reporting costs by educational institutions
- § 83:3 CAS 502, consistency in allocating costs incurred for the same purpose by educational institutions
- § 83:4 CAS 505, accounting for unallowable costs—Educational institutions
- § 83:5 CAS 506, cost accounting period—Educational institutions

PART IV. CONTRACT PRICING, ADMINISTRATION, TERMINATION, AND SETTLEMENT

CHAPTER 84. CONTRACT PRICING

I. CONTRACT PRICING

§ 84:1 Overview

II. TRUTH IN NEGOTIATIONS ACT

- § 84:2 Background
- § 84:3 When the submission of certified cost or pricing data is required
- § 84:4 Exceptions and waivers
- § 84:5 —Adequate price competition
- § 84:6 —Prices set by law or regulation
- § 84:7 —Acquisition of a commercial item

§ 84:8 -Waivers § 84:9 Submission of certified cost or pricing data § 84:10 —Certified cost or pricing data defined § 84:11 -Forward pricing rate agreements § 84:12 —Certificate of current cost or pricing data —Use of table 15-2 § 84:13 Requiring data other than certified cost or pricing data § 84:14 § 84:15 Submission of subcontractor certified cost or pricing data § 84:16 Defective certified cost or pricing data § 84:17 —Offsets § 84:18 —Defective subcontractor certified cost or pricing data

III. PRICING POLICIES

- § 84:19 Proposal analysis techniques
- § 84:20 —Price analysis
- § 84:21 —Cost analysis
- § 84:22 —Cost realism analysis
- § 84:23 Profit

CHAPTER 85. CONTRACT FUNDING AND FINANCING

I. CONTRACT FUNDING

- § 85:1 The Anti-Deficiency Act
- § 85:2 "Available" funds for obligation
- § 85:3 —Nature of an obligation
- § 85:4 —Consequences of an anti-deficiency act violation
- § 85:5 —Indemnification provisions
- § 85:6 —Implementation in the FAR
- § 85:7 Limitation of cost, funds or government obligation clauses

II. INVOICE PAYMENTS

- § 85:8 Overview
- § 85:9 Prompt payment
- § 85:10 Notification of overpayment

III. CONTRACT FINANCING PAYMENTS

- § 85:11 Overview
- § 85:12 Non-commercial item financing
- § 85:13 —Progress payments based on costs
- § 85:14 —Performance-based payments
- $\S 85:15$ —Advance payments
- § 85:16 —Loan guarantees
- § 85:17 Commercial item financing

IV. ASSIGNMENT OF CLAIMS

§ 85:18 Overview

V. DEBT COLLECTION

§ 85:19 Overview

CHAPTER 86. CONTRACT ADMINISTRATION AND AUDIT

I. CONTRACT ADMINISTRATION

§ 86:1	Overview
§ 86:2	Defense contract management agency
§ 86:3	Cognizant federal agency
§ 86:4	Contractor oversight reviews
§ 86:5	—Contractor's purchasing system review
§ 86:6	—Contractor material management and accounting system
	review

- § 86:7 —Contractor insurance/pension review
- § 86:8 —Contractor estimating system review

II. CONTRACT AUDIT

- § 86:9 Audit access granting clauses
- § 86:10 Defense contract audit agency and civilian agency inspectors general
- § 86:11 Government accountability office
- § 86:12 Investigating suspected procurement fraud

III. INDIRECT COST RATES

- § 86:13 Overview
- § 86:14 Establishment of final indirect cost rates
- § 86:15 Establishment of billing rates
- § 86:16 Certificate of indirect costs and penalties for expressly unallowable indirect costs

IV. DISALLOWANCE OF COSTS

§ 86:17 Overview

V. NOVATION AGREEMENTS AND CORPORATE RESTRUCTURING

- § 86:18 Overview § 86:19 Novation agreements in corporate restructuring
- § 86:20 —Risks of failing to obtain a novation agreement
- § 86:21 —Risks of entering into a novation agreement
- § 86:22 Recovery of restructuring costs

CHAPTER 87. CONTRACT MODIFICATIONS, CHANGES AND DELAYS

I. CONTRACT MODIFICATIONS

§ 87:1 Introduction

II. CHANGES

§ 87:2	Overview
§ 87:3	Change orders
§ 87:4	Constructive changes
§ 87:5	—Breach of implied warranty of specifications
§ 87:6	-Breach of implied duty to cooperate and not hinder
	performance
§ 87:7	—Breach of other implied warranties
§ 87:8	—Superior knowledge
§ 87:9	—Economic waste
§ 87:10	—Constructive acceleration
§ 87:11	Notice and assertion requirements

III. OTHER REMEDY-GRANTING CLAUSES

- § 87:12 Overview § 87:13 Government property § 87:14 Suspension of work § 87:15 Stop-work order § 87:16 Government delay of work Differing site conditions
- § 87:17

IV. DELAYS

§ 87:18 Overview

V. EQUITABLE ADJUSTMENTS

- § 87:19 Basic principles § 87:20 Cumulative impact § 87:21 Indirect costs § 87:22 —Unabsorbed overhead § 87:23 —Extended overhead § 87:24 —Job site overhead § 87:25 Profit § 87:26 Pricing methods § 87:27 —Total cost method § 87:28 —Modified total cost method § 87:29 —Discrete cost method § 87:30 —"Jury verdict" § 87:31 Breach of contract damages
- § 87:32 Release of claims

CHAPTER 88. CONTRACT TERMINATIONS

§ 88:1 Overview § 88:2 Termination for convenience § 88:3 —General principles § 88:4 —Contractor recovery § 88:5 — Fixed-price contracts — — Profit allowance or loss adjustment § 88:6 § 88:7 ———Deductions and payment for completed end items § 88:8 — —Cost-reimbursement contracts § 88:9 — —Indefinite-delivery and requirements contracts ——Subcontractor settlements § 88:10 § 88:11 ——Partial payments § 88:12 Termination for default

PART V. DISPUTES, APPEALS AND REMEDIES

—Settlement of cost-reimbursement contracts

—Settlement of fixed-price contracts

CHAPTER 89. CONTRACT DISPUTES ACT

	TER OU. CONTINUED DIST CIESTICI
§ 89:1	Introduction
§ 89:2	Coverage
§ 89:3	—Contracts covered
§ 89:4	—Parties covered
§ 89:5	Jurisdictional prerequisites
§ 89:6	—Claim
§ 89:7	——Submission to the contracting officer for a final decision
§ 89:8	——Certification of contractor claims
§ 89:9	——Identification of the contract under which the dispute
	arises
§ 89:10	Jurisdictional Prerequisite—Claim—Sum Certain (No Longer a
	Prerequisite)
§ 89:11	Jurisdictional prerequisites—Contracting officer's final decision
§ 89:12	Election doctrine
§ 89:13	Interest
§ 89:14	Obligation to continue performance
§ 89:15	Statute of limitations
§ 89:16	Claims by and against subcontractors
§ 89:17	Fraudulent claims
§ 89:18	Payment of judgments
§ 89:19	Recovery of attorney's fees
§ 89:20	Boards of Contract Appeals

CHAPTER 90. FEDERAL COURT PROCEEDINGS

- § 90:1 Introduction
- § 90:2 Establishment of the U.S. Court of Federal Claims and U.S. Court of Appeals for the Federal Circuit

§ 88:13

§ 88:14

§ 90:3	U.S. Court of Federal Claims
§ 90:4	—Jurisdiction
§ 90:5	——CDA cases
§ 90:6	——Non-CDA cases
§ 90:7	—Non-appropriated funds doctrine
§ 90:8	U.S. Court of Appeals for the Federal Circuit
§ 90:9	—Review of COFC and BCA decisions
§ 90:10	—The role of Stare Decisis
§ 90:11	Federal district courts—The CDA's advisory opinion provision
§ 90:12	Federal District Courts—Jurisdiction over "Non-Contractual"
	claims

CHAPTER 91. GOVERNMENT REMEDIES FOR PROCUREMENT FRAUD, CORRUPTION, AND OTHER IMPROPER BUSINESS PRACTICES

I. OVERVIEW

§ 91:1 Background

II. REMEDIES FOR PROCUREMENT FRAUD

§ 91:2	False statements statute
§ 91:3	Obstruction of federal audit
§ 91:4	False, fictitious or fraudulent claims statute
§ 91:5	Conspiracy statute
§ 91:6	False Claims Act
§ 91:7	Special plea in fraud statute
§ 91:8	Mail and wire fraud statutes
§ 91:9	Major Fraud Act
§ 91:10	Program Fraud Civil Remedies Act
§ 91:11	Racketeer Influenced and Corrupt Organizations Act
§ 91:12	Reduction or suspension of contract payments upon finding of
	fraud

III. REMEDIES FOR CORRUPTION

§ 91:13	Bribery and gratuities
§ 91:14	Payments to influence federal transactions
91:15	Procurement Integrity Act
§ 91:16	—Prohibition on disclosure of procurement information
§ 91:17	—Prohibition on obtaining procurement information
§ 91:18	—Employment contacts
§ 91:19	—Prohibition on former official's acceptance of compensation
	from a contractor
§ 91:20	—Definitions
91:21	—Penalties
91:22	Anti-Kickback Act
§ 91:23	—Legislative history

- § 91:24 —Case law interpretation § 91:25 — Economic Espionage Act
- § 91:26 Foreign Corrupt Practices Act
- § 91:27 Conflict-of-interest statute

IV. OTHER REMEDIES FOR IMPROPER BUSINESS PRACTICES

- § 91:28 Certificate of independent price determination
- § 91:29 Covenant against contingent fees
- § 91:30 Restrictions on subcontractor sales to the government

V. SUSPENSION AND DEBARMENT

§ 91:31 Analysis

Table of Laws and Rules

Table of Cases

Index