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| Autore                  | Butler Patrick (Lawyer)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Titolo                  | Key case law rules for government contract formation // Patrick Butler, Lieutenant Colonel                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| Note generali           | Includes index.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Nota di bibliografia    | Includes bibliographical references and index.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Nota di contenuto       | Title Page; Copyright; About the Author; Dedication; Contents; Preface; Acknowledgments; Acronyms; INTRODUCTION; The Protest Forums and the Process; THE KEY CASE LAW RULES BROKEN DOWN BY PROTEST GROUND; Chapter 1. Protest Grounds Alleging That the Government Is Wrongfully Preventing Competition; 1. Lack of Advance Planning; 2. Improper or Unsupported Use of an Exception to Competition; A. Exception 1: Only One Responsible Source; B. Exception 2: Unusual and Compelling Urgency; C. Exception 3: Industrial Mobilization; D. Exception 4: International Agreement<br>E. Exception 5: Authorized or Required by Statute<br>F. Exception 6: National Security; G. Exception 7: Public Interest; 3. Contract Was Modified Beyond the Scope; 4. Reprocurement Contract Did Not Seek Competition; Chapter 2. Protest Grounds Based on the Government's Description of the Requirement; 1. Ambiguities in the Solicitation: Patent and Latent; 2. Improper Use of "Brand Name or Equal" Descriptions; 3. Defective or Inadequate Specifications; 4. Unduly Restrictive Specifications; 5. Changed Requirements and Solicitation Amendments<br>Chapter 3. Protest Grounds Challenging the Government's Exercise of Discretion or the Government's Conduct of the Competition<br>1. Agency's Commercial Item Determination; 2. Responsibility Determinations; 3. Negotiated Procurements: Tradeoff Process; 4. Competitive Range; 5. |

Evaluation in Strict Accordance with the Solicitation; 6. Evaluation Team; 7. Relative Importance of Factors and Subfactors in a Solicitation; 8. Past Performance; A. Past Performance Generally; B. Subground 1: Improper Evaluation of Relevance of Past Work  
C. Subground 2: Improper Evaluation of Key Personnel, Predecessor Companies, Subcontractors, or Teams  
D. Subground 3: Neutral Ratings for Lack of Past Performance; E. Subground 4: Improper Evaluation of Adverse Information; F. Subground 5: Disparate Treatment; G. Subground 6: Government Did Not Seek Enough Information; H. Subground 7: Ignoring Information That Is "Too Close at Hand"; 9. Proposals Submitted Late; 10. Material Misrepresentation: Bait and Switch; 11. Unacceptable or Noncompliant Proposals; 12. Preference for Sealed Bidding over Negotiated Procurements  
Chapter 4. Protest Grounds Based on the Communications Between the Government and Offerors  
1. Clarifications; 2. Discussions; Chapter 5. Protest Grounds Based on Pricing Issues; 1. Buying-in or Below-Cost Prices; 2. Price or Cost Evaluation; 3. Price Reasonableness and Price Realism; Chapter 6. Protest Grounds Based on Small Business Issues; 1. Bundling and Consolidation; 2. Limitations on Subcontracting; 3. HUBZone Contracting Procedures; 4. Certificate of Competency; 5. SBA's 8(a) Program; 6. Small Business Set-Aside Decision; 7. Small Business Status Determination  
Chapter 7. Protest Grounds Alleging Unfair Government Conduct

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Sommario/riassunto

The guidance contained in the almost 2000 pages of the Federal Acquisition Regulation and the various agency supplements are just a part of the resources government acquisition professionals need to do their jobs effectively. Accessing and understanding case law is equally important to a thorough understanding of government contracting. Legal decisions explain the Government Accountability Office's and the courts' views on how procurement statutes and regulations apply in a wide range of situations. Case law also gives potential bid protesters and agencies a way to gauge the likely outcome of

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