GOVERNMENT CONTRACTS RESEARCH

THE GEORGE WASHINGTON UNIVERSITY
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GOVERNMENT CONTRACTS RESEARCH

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Introduction

This guide provides an introduction to research in federal government contracts law. It will identify print and online sources of statutory law, administrative law, case law, and secondary materials.

The law of federal government contracts developed as a means for contractors to redress grievances based upon the award, performance, or non-performance of their contracts with the government. As a sovereign, the United States government can be sued only with its permission. The terms of this permission are set forth in the amalgamation of executive orders, statutes, policies, regulations, court, and administrative tribunal decisions that is collectively known as government contracts or public procurement law.

As a highly specialized area of law, government contracts can seem intimidating, overwhelming, and confusing. Contributing to the confusion is the “language” of government contracts that includes not only acronyms and abbreviations, but also special meanings given to ordinary words and phrases. “Public procurement,” “government procurement,” and “public contracts” are other terms used to refer to the field.

The basic techniques for researching federal statutes, regulations, and court decisions also apply to government contracts law. For additional information, please see the following LibGuides available from the Law Library’s website: Government Contracts Resources at Burns Law Library, Federal Regulatory Resources at Burns Law Library, Federal Statutory Law Resources at Burns Law Library, Presidential Documents at Burns Law Library, or Case Law at Burns Law Library.

Locating Sources

To determine if a source listed in this guide is available through Bloomberg Law, Lexis Advance, or WestlawNext:

- **Bloomberg Law**: Click the “Search & Browse” tab and select “All Legal Content,” and then either enter the name of the source into the “Select Sources” search field or drill down into the “Content Type” list.
- **Lexis Advance**: Enter the name of the source in the search box at the top of the page. Select the source from the list to add it to the search or click “View Table of Contents”.
- **WestlawNext**: Enter the name of the source in the search box at the top of the page and select the source from the list.

To obtain Bloomberg Law, Lexis, or Westlaw credentials, email eservices@law.gwu.edu and include your GWid number.

To locate other databases, including CCH IntelligConnect and HeinOnline, see the Law Library’s Database Subscription & Off-Campus Access LibGuide: [http://law.gwu.libguides.com/databases](http://law.gwu.libguides.com/databases).

Sources

I. Starting Points

A. Government Contract Guidebook

The Guidebook provides a good, basic discussion of the principles and processes of federal government procurement.


Online: [Westlaw](http://westlaw.gwu.edu)
B. Government Contracts Reporter

This resource provides analysis, statutes, executive orders, federal appellate court and administrative decisions, regulations and other official documents relating to government contracts. The print is no longer updated (1962-1998), and has been superseded by the CCH IntelliConnect database (searchable by keyword or citation).

Online: CCH IntelliConnect

C. Government Contracts Under the Federal Acquisition Regulation

Online: Westlaw

D. Government Contracts: Cyclopedic Guide to Law, Administration, Procedure

This work comprehensively covers all topics relating to government contracts. Citations to cases, statutes, and regulations are provided. It also reprints statutes with annotations, forms, and reference tables, and includes an index.

Online: LexisNexis


This is an excellent tool for understanding the language of procurement. Provides definitions and references to primary sources such as cases, statutes, and regulations.

Online: CCH IntelliConnect

F. Acronyms and Abbreviations in Government Contracting

This book explains abbreviations used in government contracts.

Online: CCH IntelliConnect

G. Glossary of Defense Acquisition Acronyms and Terms

Contains acronyms, abbreviations, and terms commonly used in the weapon systems acquisition process within the Department of Defense and defense industries.

Online: DAU (15th ed., Defense Acquisition University 2012)

II. Statutes

A. Major Statutes

Listed are the some of the major statutes that affect government contracts law. Explanations and relevant public law numbers regarding these acts can be located in The Government Contracts Reference Book: A Comprehensive Guide to the Language of Procurement (Location: 1st Floor, Reserve, KF847.5.N37 2013).
- Armed Services Procurement Act of 1947 (ASPA)
- Clinger-Cohen Act of 1996
- Competition in Contracting Act (CICA)
- Contract Disputes Act of 1978 (CDA)
- Equal Access to Justice Act
- Federal Acquisition Streamlining Act of 1994 (FASA)
- Federal Property and Administrative Service Act of 1949
- Truth in Negotiations Act (TINA)
- Tucker Act

B. United States Code (U.S.C.)

The current version of laws governing federal government contracts are found in several titles of the United States Code, including Title 41. These laws can found in several sources.

Print: United States Code (U.S.C.) (current ed.), LL1, Legal Reference

Online: FDsys (PDF, 1994 ed.-)
Bloomberg Law
CCH IntelligConnect
HeinOnline (PDF, 1925 ed.-)
LexisNexis
Westlaw

III. Legislative History

A legislative history is a collection of Congressional documents (bills, committee hearings, committee reports, and debates) produced during the period that a piece of legislation is considered by Congress. Analysis of the legislative history of a law may provide valuable insight into what Congress intended by a particular phrase or section of the act.

Legislative history documents are available from a variety of sources, depending upon the date of enactment of the law. For detailed information on locating legislative history documents, see the Federal Legislative History Resources at Burns Law Library LibGuide.

Legislative history chronologies provide citations to the documents making up the legislative history of a law. Various legislative histories are available in print and can be located by searching JACOB using the name of the statute and the phrase legislative history. The following resources also provide compiled legislative histories of government contracts laws.

1. United States Government Accountability Office Federal Legislative Histories

Contains legislative histories compiled by the U.S. GAO. Provides access to PDFs broken down by congressional materials, hearings, and presidential documents.

Online: Westlaw (PDF, selective 1921-1995)
2. ProQuest Congressional & ProQuest Legislative Insight

Provides access to legislative history materials, including congressional reports, documents, prints, and hearings in PDF. Also includes reports from the Congressional Research Service and the Government Accountability Office.

Online: ProQuest Congressional
ProQuest Legislative Insight

IV. Federal Acquisition Regulation (FAR)

Federal agency regulations that implement federal laws are first officially published as proposed regulations and later, as final regulations in the Federal Register. The most up-to-date codified version of federal acquisition regulations appear in Title 48 of the Code of Federal Regulations (CFR).

The current system of regulations for government contracts is the Federal Acquisition Regulations System, which became effective on April 1, 1984. The primary document in the FAR System is the Federal Acquisition Regulation (FAR), which applies to all federal executive agencies. Each agency can promulgate its own set of regulations, called supplements, which govern the procurement activities specific to that agency, but these supplements cannot restate or contradict the FAR. For example, the Defense FAR Supplement (DFARS) is issued by the Department of Defense, the National Aeronautics and Space Administration FAR Supplement (NFS) is issued by the National Aeronautics and Space Administration, and the Air Force FAR Supplement (AFFARS) is issued by the Air Force Department.

Federal Acquisitions Circulars (FACs) revise, amend, and update the FAR. They are published in the Federal Register for a notice and comment period. FACs are numbered sequentially and correspond to the FAR edition they update. For example, FAC 90-3 would refer to the 1990 edition of the FAR and the third FAC released under that edition.

A. Sources for the Current FAR

1. Print

- Code of Federal Regulations, Title 48, Chapter 1, 1st Floor, Reserve
- Federal Acquisition Regulation as of ...: FAR, 1st Floor, Reserve, KF844.715.F34 (CCH 1996-)
- Federal Acquisition Regulation / Issued by the GSA, DoD, NASA, 1st Floor, Reserve, KF844.715.U54 2005 (GPO 2005-)
2. **Online**

- [Acquisition Central](#)
- [FDsys](#) (PDF, 1996-)
- [Bloomberg Law](#)
- [HeinOnline](#) (PDF, 1984-)
- [LexisNexis](#) (April 1984-)
- [Westlaw](#) (1984-)

**B. Sources for FAR Supplements**

1. **Code of Federal Regulations, Title 48**

   **Print:** [1st Floor, Reserve](#)

   **Online:** [FDsys](#) (PDF, 1996)  
   [Federal Acquisition Jumpstation](#)  
   [Hill Air Force Base FARSite](#)  
   [Bloomberg Law](#)  
   [CCH IntelliConnect](#)  
   [HeinOnline](#) (PDF, 1984-)  
   [LexisNexis](#) (1984-)  
   [Westlaw](#) (1984-)

2. **Department of Defense FAR Supplement (DFARS)**

   Beginning with the 1998 edition, the DFARS is officially published in electronic format only on the Defense Procurement and Acquisition Policy website. Other Defense related FAR supplements can be found on the Hill Air Force Base FARSite.

   **Print:** [1st Floor, Reserve](#)

   **Online:** [Defense Procurement and Acquisition Policy](#)  
   [Hill Air Force Base FARSite](#)  
   [FDsys](#) (PDF, 1996-)  
   [Bloomberg Law](#)  
   [CCH IntelliConnect](#)  
   [LexisNexis](#) (1984-)  
   [Westlaw](#) (1984-)

**C. Sources for Proposed or Final Regulations Amending the FAR**

1. **Federal Acquisition Circulars (FACs)**

   **Online:** [Acquisition Central](#)  
   [CCH IntelliConnect](#)
2. Federal Register

Print: 1st Floor, Reserve (current year)

Online: FDSys (PDF, 1994-)
Bloomberg Law (1999-)
HeinOnline (PDF, 1984-)
LexisNexis (1984-)
Westlaw (1984-)

D. Sources for Superseded FARs and pre-FAR Regulations

It may be necessary to research older, superseded procurement regulations. Prior to the FAR, federal
government procurement was governed by various regulations. The following superseded regulations
should be used when the matter in question occurred during a specific time period.

1. Superseded FARs

Online: CCH IntelliConnect

2. Other Superseded Procurement Regulations

a. Defense

Armed Services Procurement Regulations (ASPR).

1978)

Defense Acquisition Regulation (DAR).

Online: LexisNexis (1981-1984) (Lexis.com only)

b. Civilian

Federal Procurement Regulations (FPR)

Print: Historic, LL2, KF844.714 .A2 1964 (General Services Administration, 1949-1984)

Online: LexisNexis (1981-1984) (Lexis.com only)

c. Other Relevant Regulations

Code of Federal Regulations and Federal Register. For superseded procurement regulations check the appropriate C.F.R. and Federal Register resources.
E. FAR Cross Reference Indexes

The following sources provide cross references from section numbers of superseded procurement regulations to the corresponding sections in the current FAR and vice versa:

- **Cross Index: Defense Acquisition Regulation to Federal Acquisition Regulation (DAR-FAR).**

- **Cross Index: Federal Acquisition Regulation to Defense Acquisition Regulation (FAR-DAR).**

- **Cross Index: Federal Acquisition Regulation to Federal Procurement Regulations (FAR-FPR).**

- **Cross Index: Federal Procurement Regulations to Federal Acquisition Regulation (FPR-FAR).**

V. Federal Court & Agency Decisions

In federal government contracts law, decisions are rendered by federal courts, mainly the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Federal Claims (previously the U.S. Claims Court and U.S. Court of Claims). In addition to the usual reporters for federal cases, such as U.S. Reports, Federal Reporter, etc., specialized reporters are available.

For more information on locating federal court decisions see the Case Law Resources at Burns Law Library LibGuide.

A. Specialized Federal Court Reporters

1. **Federal Claims Reporter (Fed. Cl.)**
   Contains decisions of the U.S. Court of Federal Claims.
   Online: Bloomberg Law
            LexisNexis
            Westlaw

2. **United States Claims Court Reporter (Cl. Ct.)**
   Contains decisions of the U.S. Claims Court.
   Online: LexisNexis
            Westlaw
3. Court of Claims Reports (Ct. Cl.) and United States Court of Claims Reports (Ct. Cl.)

Covers cases from the U.S. Court of Appeals for the Federal Circuit and the U.S. Court of Federal Claims.


Online: Bloomberg Law
        HeinOnline (PDF, 1863-1982)
        LexisNexis
        Westlaw

4. Contract Cases Federal (CCF)

Decisions from U.S. courts of appeals, claims courts, and district courts.

Print: LL2, Historic, KF846.5 G676 (1942-1998)

Online: CCH IntelliConnect (1956-)

5. Federal Court Procurement Decisions (FPD)

Contains decisions from U.S. courts of appeals and claims courts.


Online: CCH IntelliConnect

B. Administrative Tribunals

Prior to January 6, 2007, the Comptroller General (Comp. Gen.) and individual agency boards of contract appeals were the main administrative tribunals for hearing contracting disputes. On January 6, 2007, all civilian agency boards were merged to form the Civilian Board of Contract Appeals. This board and the Armed Services Board of Contract Appeals (ASBCA) hear post award disputes.

1. Decisions of the Comptroller General of the United States

Online: Government Accountability Office (selective PDF, 1894-)
       CCH IntelliConnect (1986-)
       HeinOnline (PDF, 1921-1994)
       LexisNexis (1921-)
       LLMC Digital (PDF, 1921-1994)
       Westlaw (1921-)

2. Comptroller General's Procurement Decisions (CPD)

Print: SL3, KF846.A2 U54 (1958-)

Online: Westlaw


Online: Armed Services Board of Contract Appeals
        Civilian Board of Contract Appeals
        CCH IntelliConnect (1956-)
        LexisNexis
        Westlaw

VI. Citators

Government contracts cases, statutes, and regulations may be Shepardized on LexisNexis or KeyCited on Westlaw. Citing references in both Shepard’s and KeyCite include cases and law journal articles. The Government Contracts Citator can be used to update court decisions, decisions of the Comptroller General, and Boards of Contract Appeals.

Print: SL3, KF841 .A575 G68 (West Group, 1958-)

Online: CCH IntelliConnect

VII. Selected Treatises & Reference Works

The following titles provide in-depth analysis of different areas of government contracts law. Additional materials can be located by searching JACOB, the Library’s catalog.

- Civil False Claims and Qui Tam Actions.
  Online: CCH IntelliConnect (Boese, 4th ed., CCH 2010- )

- Administration of Government Contracts.
  Online: CCH IntelliConnect

- Cost-Reimbursement Contracting.
  Online: CCH IntelliConnect

- Formation of Government Contracts.
  Online: CCH IntelliConnect

- Government Contracts in a Nutshell.

- Government Contract Law: The Deskbook for Procurement Professionals.
VIII. Newsletters & Journals

Listed below are major newsletters and journals published in the area of federal government contracts law. Newsletters provide current information on cases, legislation, and regulations. Journals generally contain articles that provide in-depth analysis of procurement law issues.

A. Newsletters

1. Westlaw Journal Government Contract

Biweekly publication that reports on ongoing procurement litigation and reproduces associated documents.

Print: 1st Floor, Reserve & SL3, KF851.A3 D44
Online: Westlaw (1996-)

2. Bloomberg BNA Federal Contracts Report

Weekly newsletter covering developments in government contracts law.

Print: 1st Floor, Reserve & SL3, KF849.A1 B85
Online: Bloomberg BNA or Bloomberg Law
3. The Government Contractor
A weekly newsletter focusing on the legal developments in federal procurement such as legislation, cases/decisions, and rules/regulations.

Print: 1st Floor, Reserve & SL3, KF844.73.G68
Online: Westlaw (1992-)

4. Federal Acquisition Report
Monthly periodical written by practitioners describing best practices in federal contracting through analysis of court, board, and GAO decisions as well as issues relating to alternative dispute resolution.

Print: 1st Floor, Reserve & SL3, KF842.F43

5. The Nash & Cibinic Report
A monthly periodical that provides analysis of government contracts topics by Professor Ralph Nash.

Print: 1st Floor, Reserve & SL3, KF849.N37
Online: Westlaw (1987-)

6. The Procurement Lawyer
ABA quarterly newsletter on current developments in federal, state and local government procurement.

Print: 1st Floor, Reserve & SL3, KF849.A1 P8
Online: HeinOnline (PDF, 1965-)
Westlaw (selected 1998-)

B. Journals

1. Briefing Papers
Monthly journal of in-depth articles on topics in government contracts including a topical index and “Year in Review” supplement that discusses significant changes in government contract law from the preceding year.

Print: 1st Floor, Reserve & SL3, KF842.B74 (1986-)
Online: Westlaw (1982-)
2. Federal Circuit Bar Journal

A quarterly review of the U.S. Court of Appeals for the Federal Circuit.

Print: 1st Floor, Reserve & LL2, K6.E34

Online: Westlaw (selected, 1991-)
HeinOnline (PDF, 1991-)
LexisNexis (2001-)


Published annually by the National Contract Management Association

Print: 1st Floor, Reserve & SL3, KF842.C67

4. Journal of Public Procurement

Sponsored by the National Institute of Government Purchasing, Inc., the General Services Administration, The UNDP/Inter-Agency Procurement Services Office, and Florida Atlantic University Public Procurement Research Center.

Print: 1st Floor, Reserve & LL2, K10.O795

Online: ABI/INFORM Complete (PDF, 2001-)
Academic Search Complete (PDF, 2005-)

5. Public Contract Law Journal

Scholarly journal published quarterly by the ABA, in cooperation with The George Washington University Law School.

Print: 1st Floor, Reserve & LL2, K16.U25

Online: HeinOnline (PDF, 1967-)
LexisNexis (Winter 1994/1995-)
Westlaw (selected 1982-)

6. Public Procurement Law Review

Bimonthly publication that focuses on public procurement in Europe and serves as a forum for debate on procurement law and practice.

Print: 1st Floor, Reserve & LL2, K16.U2743 (1992-)

Online: Westlaw (selected 1992-)
IX. Current Awareness Resources

1. CCH IntelliConnect Tracker News
   Online: CCH IntelliConnect

2. Law360
   Online: Law360

   Print: 1st Floor, Reserve & SL3, KF849.A1 B85
   Online: Bloomberg BNA or Bloomberg Law

X. Selected Websites

- **Acquisition Central**
  Maintained by Integrated Acquisition Environment, this site links to OFPP Policy Letters, Best Practices, and other information helpful to the government contracting community.

- **Defense Acquisition Portal**
  As the primary reference tool for the Defense Acquisition, Technology & Logistics workforce (AT&L), this integrated information resource brings together information and resources from various disciplines.

- **Defense Procurement and Acquisition Policy**
  Beginning in 1998, the website is the official online source for Department of Defense FAR Supplement (DFARS).

- **Federal Acquisition Jumpstation**
  This site links to various federal agencies' procurement websites.

- **FAPIIS**
  The Federal Awardee Performance and Integrity Information System contains information on contractor debarments and suspensions, in addition to civil, criminal, and administrative proceedings.

- **Federal Procurement Data System**
  Provides information on all contracts with estimated values over $3,000. Supplies information to USAspending.gov regarding procurement data.

- **USAspending.gov**
  Office of Management and Budget site that provides information regarding Federal awards, including grants; contains entity information, amount of the award, and location.

- **WIFCON.com**
  Provides links to federal contracting, state contracting, and grant and cooperative agreements websites.