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Foundational Learning



Workflow Learning

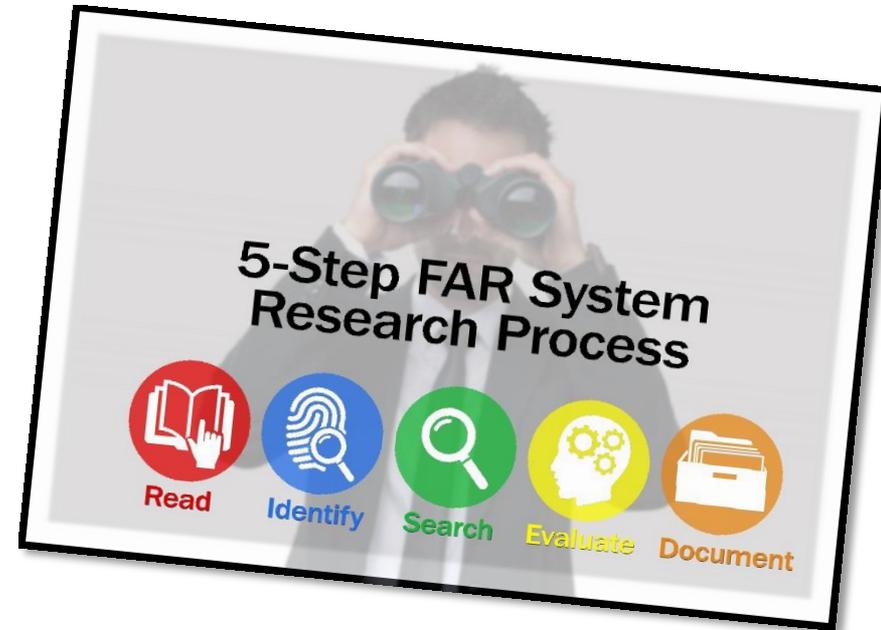


Performance Learning

DAU Lunch and Learn
June 10, 2015

AGENDA

- Introduction
- FAR system organization
- 5-step far system research process
- Scenario/ demonstration
- Best practices





5-Step FAR System Research Process

FAR SYSTEM ORGANIZATION

Title 48 of the Code of Federal Regulations (CFR)

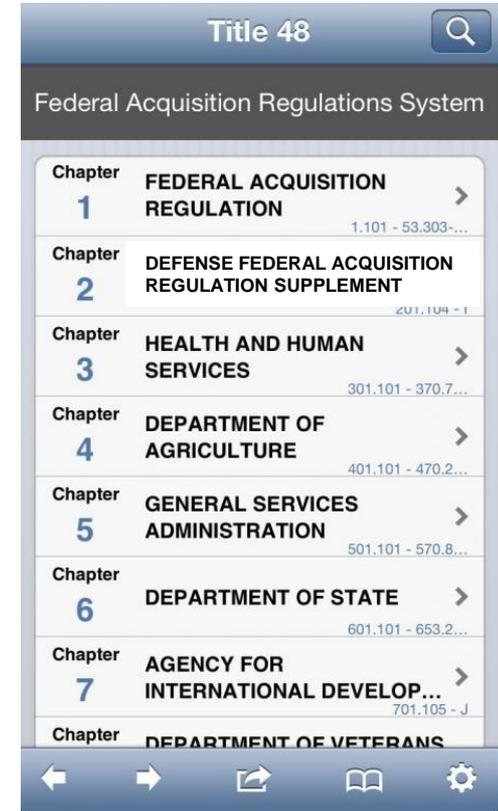
Federal Acquisition Regulations System

Chapter 1 of the FAR System

Federal Acquisition Regulation

Chapter 2 of the FAR System

Defense Federal Acquisition Regulation Supplement





FAR SYSTEM ORGANIZATION

Federal Acquisition Regulation (FAR)

Title 48 C.F.R., Chapter 1

8 Subchapters

53 Parts

Appendix



FAR SYSTEM ORGANIZATION

Additional FAR System Organization References:

- FAR Conventions (FAR 1.108)
- Class Deviations (FAR 1.404 and DFARS 201.404)
 - http://www.acq.osd.mil/dpap/dars/class_deviations.html
- FAR and DFARS Numbering (FAR 1.105-2 and DFARS 201.303)

STEP ONE

- What **ACTION** is being sought?
- What is the **SUBJECT** of the request?
- What **FAR** part covers the subject?



STEP TWO

- What is the context of the question?
- What circumstances should be considered?
- Are there environmental factors regarding the subject?



STEP TWO: Identify the key elements



- Keyword/subject/part
- Dollar threshold
- Type of contract
- Time/date/period
- Socioeconomic
- Special location
- Competition
- Excepted/excluded/special products

STEP THREE

- Choose search engine
- Master search technique
- Follow substeps



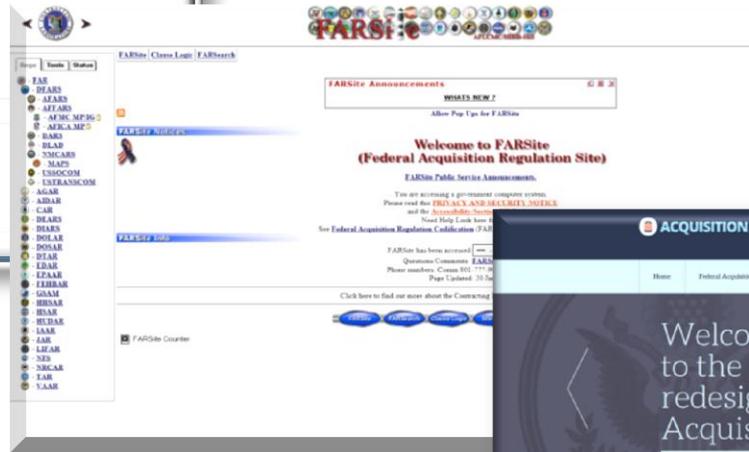


5-Step FAR System Research Process

STEP THREE: Conduct the Search



<https://www.google.com/>



<http://farsite.hill.af.mil/>



<https://www.acquisition.gov/>



5-Step FAR System Research Process

STEP THREE: Conduct the Search



ACQUISITION.GOV

Home Federal Acquisition Regulation (FAR) Supplemental Regulations Acquisition Systems Archives

Home » Federal Acquisition Regulation (FAR)

Federal Acquisition Regulation (FAR)

FAC Number/Effective Date: FAC 2005-82/05-07-2015 - Download Entire FAR - PDF HTML

FAR PARTS					Title & Number	Select the download format
						HTML PDF
Index						
Table of Contents						
1	2	3	4	5		
6	7	8	9	10		
11	12	13	14	15		
16	17	18	19	20		
21	22	23	24	25		
26	27	28	29	30		
31	32	33	34	35		
36	37	38	39	40		
41	42	43	44	45		
46	47	48	49	50		
51	52	53				

Title & Number	Select the download format
	HTML PDF
Part 1-Federal Acquisition Regulations System	HTML PDF
1.1 Purpose, Authority, Issuance	HTML PDF
1.2 Administration	HTML PDF
1.3 Agency Acquisition Regulations	HTML PDF
1.4 Deviations from the FAR	HTML PDF
1.5 Agency and Public Participation	HTML PDF
1.6 Career Development, Contracting Authority, and Responsibilities	HTML PDF



<https://www.acquisition.gov/>



5-Step FAR System Research Process

STEP THREE: Conduct the Search

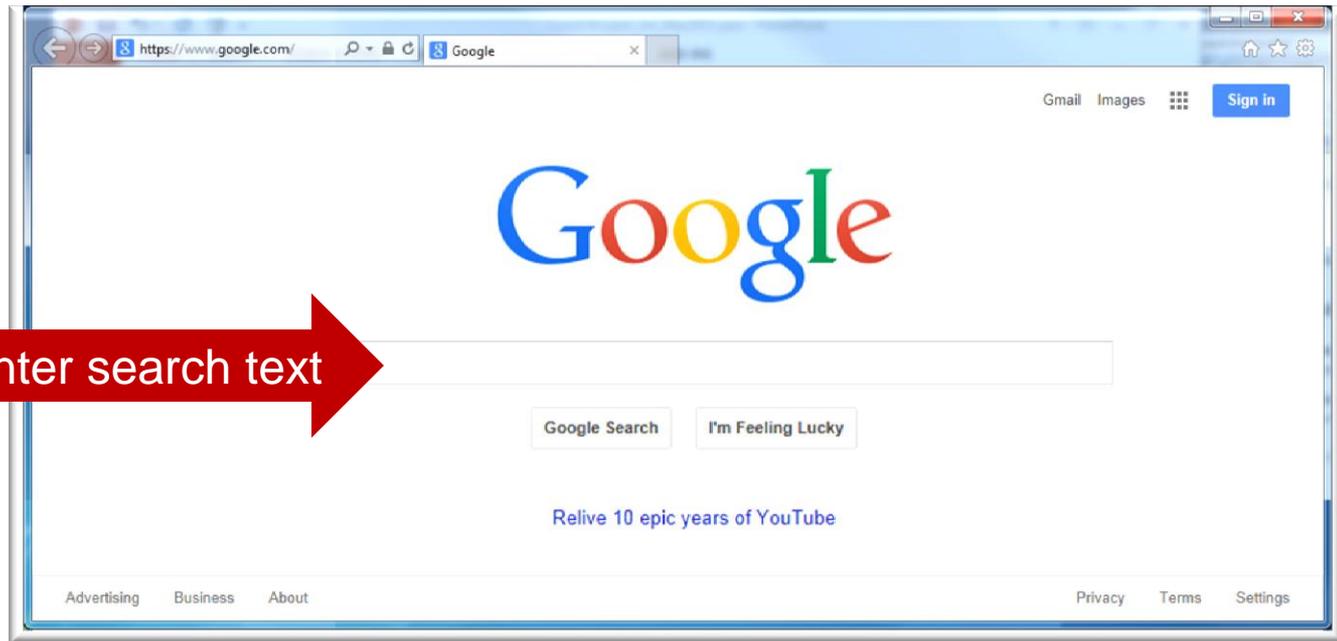


The screenshot shows the ACQUISITION.GOV search interface. At the top, there is a search bar and a navigation menu with options: Home, Federal Acquisition Regulation (FAR), Supplemental Regulations, Acquisition Systems, and Archives. The main content area displays search results for 'FAR'. A red arrow points to the search input field with the text 'Enter search text'. The search results section shows 'SEARCH RESULTS (Showing 1 to 10 of 575 results found.)' and a list of results, including 'Part 1-Federal Acquisition Regulations System'. On the right side, there are filters for 'Sort by' (Relevancy, Title), 'Document Type' (Subpart, FormsStandard, Part, FormsOptional, FormsDDWH), and 'Tags'.

Document Type	Count
<input type="checkbox"/> Subpart	310
<input type="checkbox"/> FormsStandard	135
<input type="checkbox"/> Part	53
<input type="checkbox"/> FormsOptional	22
<input type="checkbox"/> FormsDDWH	7

<https://www.acquisition.gov/>

STEP THREE: Conduct the Search



<https://www.google.com/>

STEP THREE: Conduct the Search




The screenshot shows the FARSITE search page. At the top left is the AFCEC logo. To its right is a row of various military branch logos with the text 'FARSITE' and 'AFCEC/HIBD-HII' below them. Below the logos is a navigation link: [Return to FARSITE](#). The main search area contains the text: 'Enter one or more keywords to search for using the Zoom Search Engine. Note that * and ? wildcards are supported. [Additional Zoom Search Engine Information](#).' Below this is a search input field with a 'Submit' button. A large red arrow points to the search field with the text 'Enter search text'. Below the search field are radio buttons for 'Match: any search words' (selected) and 'all search words'. At the bottom, there is a 'Category:' section with a grid of checkboxes for various military units and systems, including FAR, DFARS, AFARS, AGAR, AIDAR, CAR, DARS, DEAR, DIAR, DLAD, DOSAR, DOLAR, DTAR, EDAR, EPAAR, FEHAR, OSAM, HHSAR, HSAR, HUDAR, IAAR, IAR, LIFAR, MAPS, NFS, NMCARS, NRCAR, USSOCOM, USTRANS/COM, TAR, VAAR, FAC, and DPN. At the bottom right of the search area, it says 'Search powered by [Zoom Search Engine](#)'.

<http://farsite.hill.af.mil/zoomcgi/search.cgi>

STEP THREE: Conduct the Search



KEYWORD SEARCH TECHNIQUE

Considerations:

- Every instance of keyword anywhere in entire regulation
- Combination of keywords
- Synonyms

Recommended:

- Break the topic into individual keywords
- Brainstorm to select words that best describe the topic
- Avoid phrases--unless phrase matches the regulation exactly

STEP THREE: Conduct the Search



BOOLEAN SEARCH TECHNIQUE

For the farsite.hill.af.mil--Zoom Engine Tips:

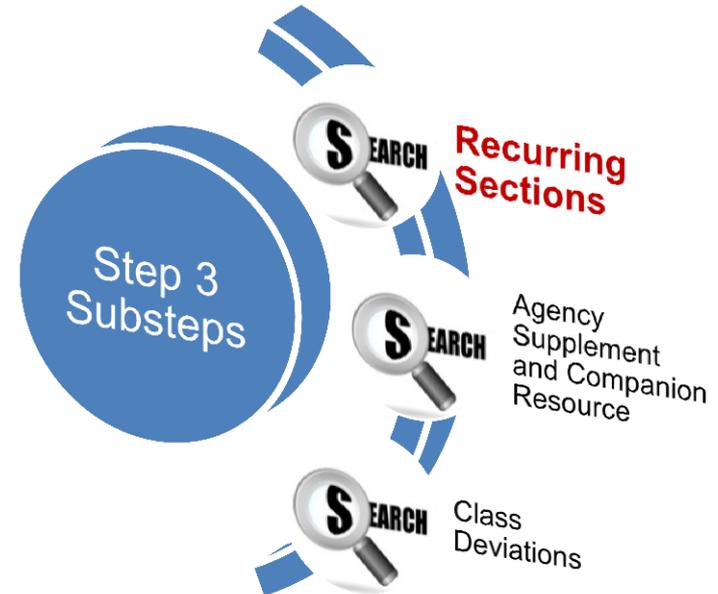
- Match ANY search word (Boolean OR)
- Match ALL search word (Boolean AND)
- Wildcard searches:
 - Add characters such as '*' or '?'
- Exact phrase searches:
 - Enclose the words that form the phrase using double quotations marks, e.g., "federal property"

STEP THREE: Conduct the Search



RECURRING SECTIONS

- Scope
- Definitions
- Applicability
- General
- Policy
- Exceptions
- Procedures
- Solicitation Provisions/Contract Clauses





5-Step FAR System Research Process

STEP THREE: Conduct the Search

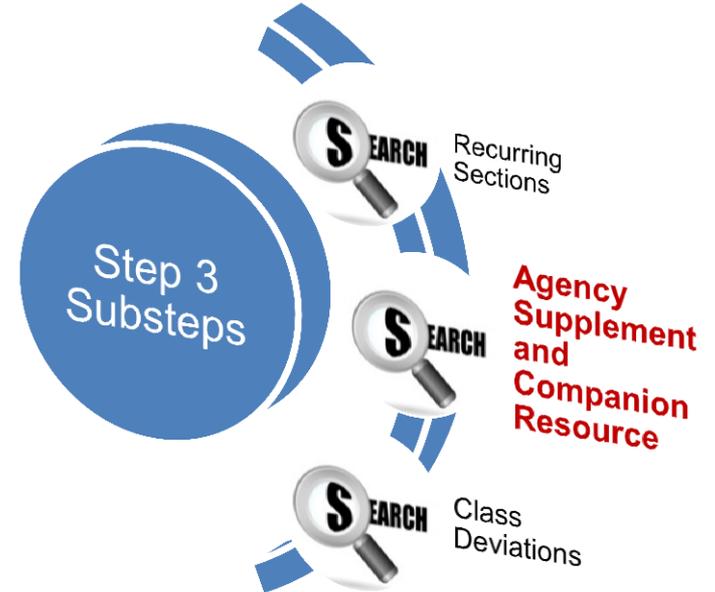


AGENCY SUPPLEMENT

Defense Federal Acquisition
Regulation Supplement (DFARS)

COMPANION RESOURCE

Defense Federal Acquisition
Regulation Supplement (DFARS)
Procedures, Guidance, and
Information (PGI)





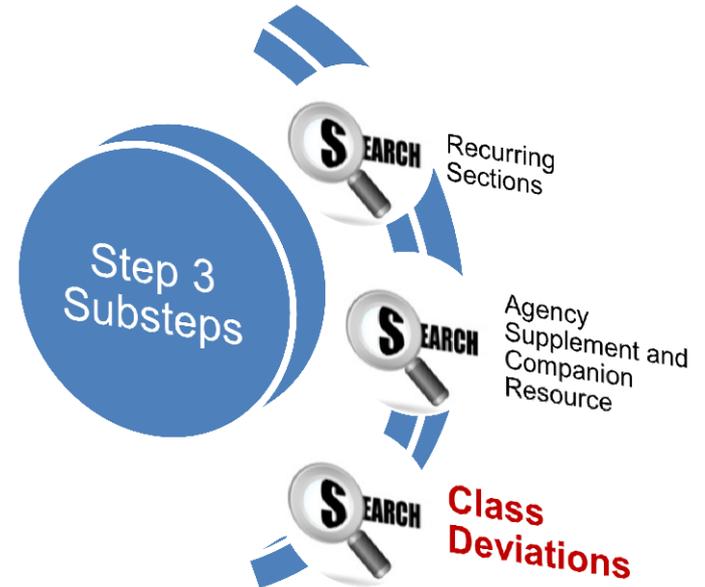
5-Step FAR System Research Process

STEP THREE: Conduct the Search



Current Class Deviations list
located at:

[http://www.acq.osd.mil/dpap/dars/
class_deviations.html](http://www.acq.osd.mil/dpap/dars/class_deviations.html)



STEP FOUR: Evaluate the search results



- Did the results of your search comprehensively answer the question(s)?
- Is the answer to the question in the information gathered?
- Is the answer in one of the six FAR conventions?

yes

no

maybe



STEP FOUR: Evaluate the search results



FAR CONVENTIONS



FAR 1.108(a)
Words and Terms



FAR 1.108(d)
Application of FAR
changes to solicitations
and contracts



FAR 1.108(b)
Delegation of Authority



FAR 1.108(e)
Citations



FAR 1.108(c)
Dollar Thresholds



FAR 1.108(f)
Imperative Sentences

STEP FIVE: Document the results



Clearly document your answer as supported by:

- Reference in the FAR, the agency supplement or companion resource
- Citing your reference at the part, subpart, section, subsection, paragraph or subparagraph level
- Correctly formatting your reference using implemental and/or supplemental numbering; or class deviation according to the year issued and the agency tracking number



5-Step FAR System Research Process



STEP ONE: Read the question



What is the ***SUBJECT*** of the request?

What ***FAR*** part covers the subject?

ORIGINAL SCENARIO/QUESTION

An employee on one of my DoD contracts is alleging misconduct by their employer on the contract. They are fairly certain that their employer will not admit fault and will seek reprisals against them. How long after the DoD Inspector General's report and other leaders' decisions and actions does the employee have to file suit?

SUBJECT OF THE REQUEST

With regard to **whistleblower protections for contractor employees**, what is the time limit on how long a complainant has to file an action after the DoD Inspector General's report and subsequent leadership's decision?

STEP ONE: Read the question



What is the SUBJECT of the request?

- With regard to **whistleblower protections for contractor employees**, what is the time limit on how long a complainant has to file an action after the DoD Inspector General's report and subsequent leadership's decision?

What FAR part covers the subject?

- FAR part 3
Improper Business Practices and Personal Conflicts of Interest
- FAR subpart 3.9
Whistleblower Protections for Contractor Employees



5-Step FAR System Research Process



STEP TWO: Identify the key elements

What is the context of the question?

What circumstances should be considered?

Are there environmental factors regarding the subject?

Keyword/subject/part

Whistleblower Protections for Contractor Employees

Time/date/period

Time limit after DoD IG and HCA decisions/actions

Contract funding

Verify contract NOT funded under American Recovery and Reinvestment Act of 2009

Federal agency

Department of Defense



5-Step FAR System Research Process

STEP THREE: Conduct the Search



Google search results for "whistleblower protections for federal contractors". The search bar shows the query and a magnifying glass icon. Below the search bar are navigation links for Web, News, Shopping, Images, Videos, and More. The results show approximately 248,000 results found in 0.33 seconds. Three search results are visible:

- New whistleblower protections take effect for federal ...**
www.federalnewsradio.com/.../New-whistleblower-protections-tak... WFED
Jul 1, 2013 - Effective Monday, whistleblower protections for federal contractors are being expanded to fill gaps that whistleblower advocates say have, until ...
- Subpart 3.9-Whistleblower Protections for Contractor ...**
https://www.acquisition.gov/sites/default/files/.../Subpart%203_9.html
3,907 Whistleblower Protections Under the American Recovery and ... (1) The Federal Government provides any portion of the money or property that is ...
- Do Employees of Contractors, Subcontractors, and Grantees ...**
oig.ssa.gov/whistleblower-protection/contr... Social Security Administration
A. Whistleblower Protections for Employees of Contractors, Subcontractors, and ...
A gross mismanagement of a Federal contract or grant.; A gross waste of ...

Government Contractor Whistleblower Attorneys | Katz ...
www.kmblegal.com > Practice Areas > Whistleblower Law
Protection for Defense Contractor Whistleblowers Each year, the federal government pays billions of federal dollars to private defense contractors to perform ...

ACQUISITION.GOV search interface. The page has a dark blue header with the ACQUISITION.GOV logo and an "Advanced Search" link. Below the header is a navigation menu with links for Home, Federal Acquisition Regulation (FAR), Supplemental Regulations, Acquisition Systems, and Archives. The main content area shows the search path: Home » Search » Search Results » Whistleblower Protections » FAR. The search results section is titled "Search" and includes a search bar with the query "whistleblower protections" and a "SUBMIT QUERY" button. Below the search bar are radio buttons for "TYPE" (FAR selected) and "FREE TEXT" (GSAM). The search results section shows "SEARCH RESULTS (Showing 1 to 10 of 135 results found.)" and a list of results. The first result is "3.9 Whistleblower Protections for Contractor Employees" with a snippet: "Subpart 3.9-whistleblower protections for Contractor Employees Subpart 3.9-whistleblower protections for Contractor Employees 3.900 Scope of subpart. This subpart implements three different statutory whistleblower p.....". On the right side of the search results, there is a "Sort by" dropdown menu with options for "Relevancy" and "Title", and a "Document Type" dropdown menu with "FAR" selected.



5-Step FAR System Research Process

STEP THREE: Conduct the Search



[Return to FARSITE](#)

FARSearch using Zoom

Enter one or more keywords to search for using the Zoom Search Engine.
Note that "*" and "?" wildcards are supported. [Additional Zoom search engine tips.](#)

Search for: Results per page:

Match: any search words all search words

Category: All FAR DFARS AFARS AF FARS AGAR AIDAR CAR DARS DEAR DIAR DLAD DOSAR DOLAR DTAR EDAR EPAAR FEHBAR GSAM HHSAR HSAR HUDAR IAAR JAR LIFAR MAPS NFS NMCARS NRCAR USSOCOM USTRANSCOM TAR VAAR FAC DPN

Search results for: "whistleblower protections" in category "FAR", "DFARS"

10 results found.

Refine your search by category:

- [FAR](#) (6)
- [DFARS](#) (4)

Sorted by relevance / [Sort by date](#)

1. [far_index](#) [FAR]

... Nondiscrimination Because of Age: Handling Complaints. 22.902 Procedures for investigating complaints. 3.905 **Whistleblower Protections** for Contractor Employee: Procedures for filing Complaints. 3.904 Physically Completed contracts ...
Terms matched: 1 - Score: 176 - 22 Dec 2014 - URL: http://farsite.hill.af.mil/reghtml/Regs/FAR2AFMCFARS/FARDFARS/FAR/far_index.htm

2. [PART 52 Solicitation Provisions and Contract Clauses](#) [FAR]

... Business Ethics and Conduct. 52.203-14 Display of Hotline Poster(s). 52.203-15 **Whistleblower Protections** Under the American Recovery and Reinvestment Act of 2009. 52.203-16 Preventing Personal ...
Terms matched: 1 - Score: 160 - 07 May 2015 - URL: http://farsite.hill.af.mil/reghtml/Regs/FAR2AFMCFARS/FARDFARS/FAR/52_000.htm

3. [DFARS 252.000 thru 252.214](#) [DFARS]

... information or website.) (c) Display of Combating Trafficking in Persons and **Whistleblower Protection** hotline posters. The Contractor shall display prominently the DoD Combating Trafficking in ...
Terms matched: 1 - Score: 140 - 02 Mar 2015 - URL: http://farsite.hill.af.mil/reghtml/Regs/FAR2AFMCFARS/FARDFARS/DFARS/Dfars252_000.htm

4. [FAR Part Table of Contents](#) [FAR]

... Penalties. 3.808-- Solicitation Provision and Contract Clause. Subpart 3.9-- **Whistleblower Protections** for Contractor Employees 3.900-- Scope of Subpart. 3.901-- ...
Terms matched: 1 - Score: 109 - 13 May 2015 - URL: <http://farsite.hill.af.mil/reghtml/Regs/FAR2AFMCFARS/FARDFARS/FAR/Far1toc.htm>

5. [FAR -- Part 3 Improper Business Practices and Personal Conflicts of Interest](#) [FAR]

... Penalties. 3.808-- Solicitation Provision and Contract Clause. Subpart 3.9-- **Whistleblower Protections** for Contractor Employees 3.900-- Scope of Subpart. 3.901-- ...
Terms matched: 1 - Score: 99 - 07 May 2015 - URL: <http://farsite.hill.af.mil/reghtml/Regs/FAR2AFMCFARS/FARDFARS/FAR/03.htm>

6. [DFARS 252.220 thru 252.226](#) [DFARS]

... supported military element or the command of any base. (7) Personnel seeking **whistleblower protection** from reprisals for reporting criminal acts shall seek guidance through the DoD Inspector ...
Terms matched: 1 - Score: 98 - 05 Feb 2015 - URL: http://farsite.hill.af.mil/reghtml/Regs/FAR2AFMCFARS/FARDFARS/DFARS/Dfars252_220.htm

7. [DFARS 203](#) [DFARS]



5-Step FAR System Research Process

STEP THREE: Conduct the Search



[FARSite](#) [Clause Logic](#) [FARSearch](#) [FAR Home](#)

(c) The clause at [32.203-12](#), Limitation on Payments to Influence Certain Federal Transactions, shall be included in solicitations and contracts expected to exceed \$150,000.

Subpart 3.9 -- Whistleblower Protections for Contractor Employees

3.900 -- Scope of Subpart.

This subpart implements three different statutory whistleblower programs. This subpart does not implement 10 U.S.C. 2409, which is applicable only to DoD, NASA, and the Coast Guard.

(a) 41 U.S.C. 4705 (in effect before July 1, 2013 and on or after January 2, 2017). Sections [3.901](#) through [3.906](#) of this subpart implement 41 U.S.C. 4705, applicable to civilian agencies other than NASA and the Coast Guard, except as provided in paragraph (c) of this section. These sections are not in effect for the duration of the pilot program described in paragraph (b) of this section.

(b) 41 U.S.C. 4712 (in effect on July 1, 2013 through January 1, 2017). Section 3.908 of this subpart implements the pilot program, applicable to civilian agencies other than NASA and the Coast Guard, except as provided in paragraph (c) of this section.

(c) Contracts funded by the American [FARSite](#) [Clause Logic](#) [FARSearch](#) [DFARS Home](#)
111-5), and applies to all contracts fun

203.900 Scope of subpart.

This subpart applies to DoD instead of FAR subpart 3.9.

(1) This subpart implements 10 U.S.C. 2409 as amended by section 846 of the

National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181), section 842 of the National Defense Authorization Act for Fiscal Year 2009 (Pub. L. 110-417), and section 827 of the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112-239).

(2) This subpart does not apply to any element of the intelligence community, as

defined in 50 U.S.C. 3003(4). This subpart does not apply to any disclosure made by an employee of a contractor or subcontractor of an element of the intelligence community if such disclosure—

(i) Relates to an activity or an element of the intelligence community; or

(ii) Was discovered during contract or subcontract services provided to an

element of the intelligence community.



5-Step FAR System Research Process

STEP THREE: Conduct the Search



[FARSite](#) | [Clause Logic](#) | [FARSearch](#) | [DFARS Home](#)

by the DoD Inspector General, decision by the head of an agency, or judicial or administrative proceeding to determine whether prohibited discrimination has occurred.

203.906 Remedies.

(1) Not later than 30 days after receiving a DoD Inspector General report in accordance with 203.905, the head of the agency shall determine whether sufficient basis exists to conclude that the contractor has subjected the complainant to a reprisal as prohibited by 203.903 and shall either issue an order denying relief or shall take one or more of the following actions:

(i) Order the contractor to take affirmative action to abate the reprisal.

(ii) Order the contractor to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(iii) Order the contractor to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency.

(2) If the head of the agency issues an order denying relief or has not issued an order within 210 days after the submission of the complaint or within 30 days after the expiration of an extension of time granted in accordance with 203.905(3)(ii), and there is no showing that such delay is due to the bad faith of the complainant—

(i) The complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint; and

(ii) The complainant may bring a de novo action at law or equity against the contractor to seek compensatory damages and other relief available under 10 U.S.C. 2409 in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this authority may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

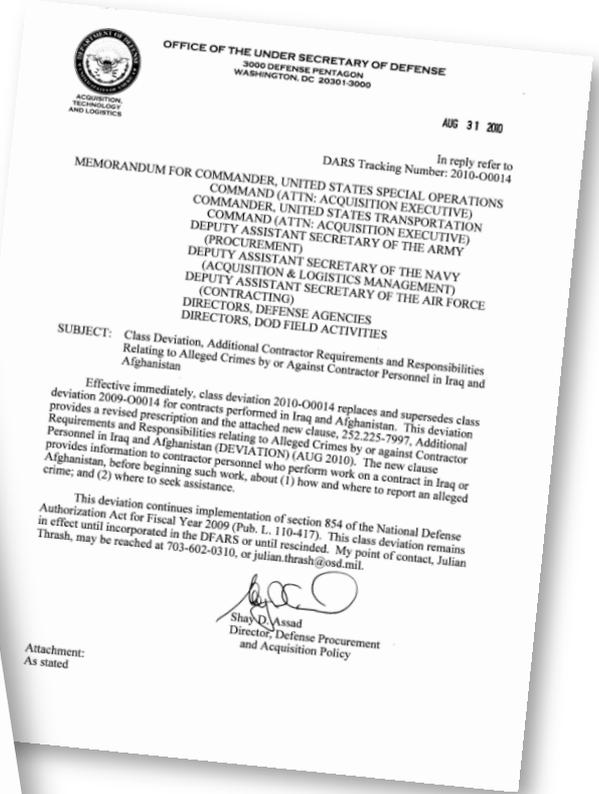
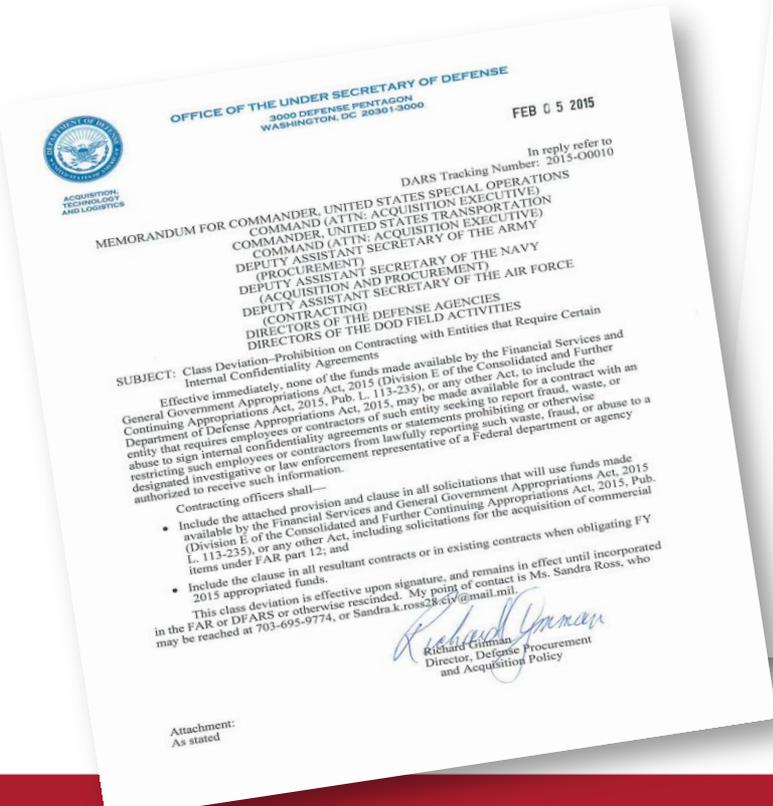
(3) An Inspector General determination and an agency head order denying relief under paragraph (2) of this section shall be admissible in evidence in any de novo action at law or equity brought pursuant to 10 U.S.C. 2409(c).

(4) Whenever a contractor fails to comply with an order issued by the head of agency in accordance with 10 U.S.C. 2409, the head of the agency or designee shall request the Department of Justice to file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and reasonable attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the agency.



5-Step FAR System Research Process

STEP THREE: Conduct the Search CLASS DEVIATIONS





5-Step FAR System Research Process



STEP FOUR: Evaluate the search results



QUESTION:

With regard to **whistleblower protections for contractor employees**, what is the time limit on how long a complainant has to file an action after the DoD Inspector General's report and subsequent leadership's decision?

POTENTIAL ANSWER:

According to DFARS 203.906(2)(ii), an action under this authority may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

Is the answer to the question in the information gathered?

Did the answer address the identified key elements?



5-Step FAR System Research Process



STEP FIVE: Document the results



POTENTIAL ANSWER:

According to DFARS 203.906(2)(ii), an action under this authority may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

Is the reference cited at the part, subpart, section, subsection, paragraph or subparagraph level?

Is the reference correctly formatted using implemental and/or supplemental numbering?

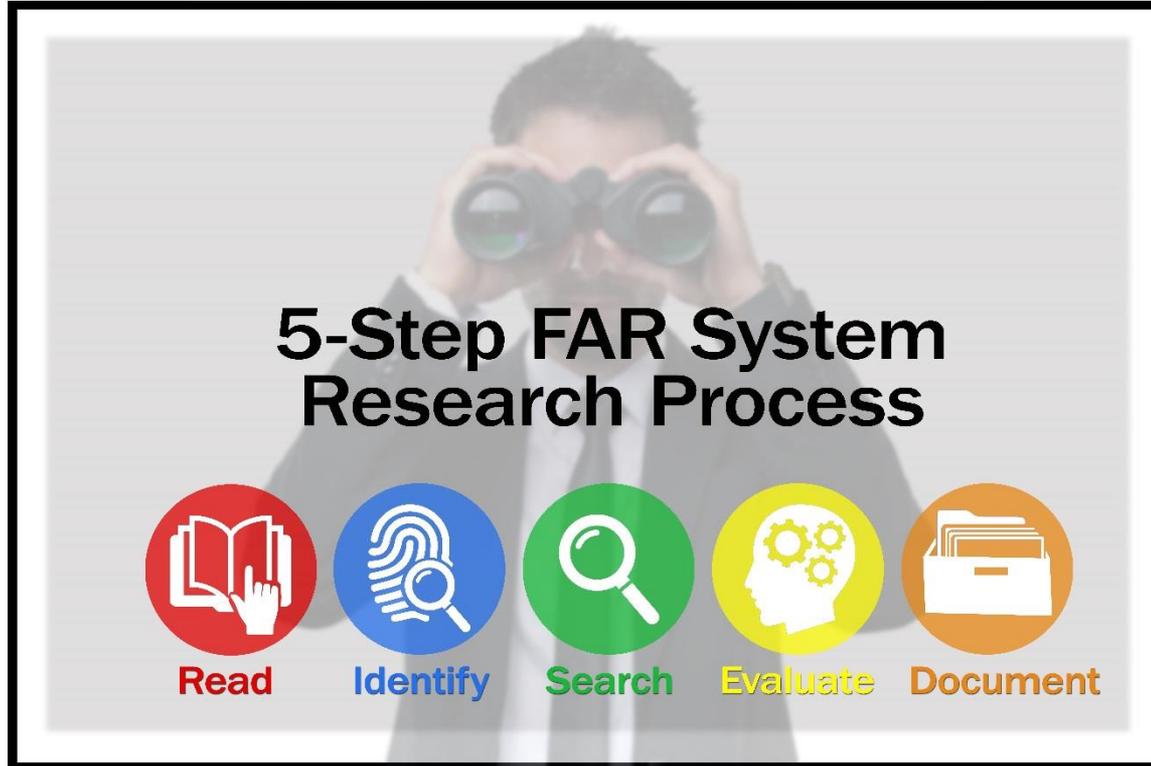


5-Step FAR System Research Process





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<https://dart.dau.mil/composica/courses/con090-precourse-2/>