

U.S. Government Contracts

Course Number: 5297

Section Number: 26010

University of Houston Law Center

Steven C. Herrera, Adjunct Professor ([bio](#))

Fall 2026

SYLLABUS

A. SUMMARY OF COURSE AND LEARNING GOALS

Think you know contract law? Think again.

This course introduces the unique and complex world of U.S. Government Contracts Law (i.e., federal procurement law) that governs how our government buys everything from paper clips to aircraft carriers. This isn't "Contracts 2.0"—government contracting follows its own rules, driven by statutes, regulations, politics, and public policy rather than pure market freedom. From contract formation to administration, students will explore legal issues central to the daily work of government contracts attorneys and learn how federal deals are conceived, contracted, and contested.

By the end of this course, you will:

- (1) be able to understand and identify core principles of government contracts law;
- (2) have introductory knowledge and understanding regarding the Federal Acquisition Regulations and Contract Disputes Act;
- (3) have knowledge and understanding regarding the Boards of Contract Appeals and the Government Accountability Office;
- (4) be able handle various cases and issues related to government contracts as a first-year practicing attorney; and
- (5) have improved on skills in legal analysis, reasoning, research, and problem-solving related to government contracts law.

B. LOCATION OF CLASS AND POLICIES

Location: TBD

Time: 4:00– 6:00PM Thursdays

Mode of Instruction: Face-to-face

Office Hours: By appointment

Cell Phones/Pagers: During class, all electronic devices should be set to silent mode.

Attendance: Attendance for each class will be done through a sign-in sheet. Signing-in for a class that you did not attend or signing-in for someone else is an honor code violation.

Chosen Names/Preferred Pronouns: I will gladly honor requests to use alternate names or gender pronouns. Please advise me of your preference early in the semester so that I may make appropriate changes to our records.

C. REQUIRED TEXT

The Judge Advocate General's Legal Center and School, U.S. Army, *Contract Attorneys Deskbook* (Latest Edition)

* Free to Download @ <https://tjaglcs.army.mil/publications>

D. COURSE REQUIREMENTS AND GRADING

This course has three requirements: (1) preparing for and participating in class sessions; (2) completing assignments; and (3) final exam.

- (1) **Attendance and Preparedness.** Preparation and active participation in class discussion will be expected. Students are expected to read all the assigned reading. My intention is to call on one or more student(s) to discuss each case in the required reading. My hope is to develop a system to inform students of when they will likely be called on, but unless I provide that information before the start of Class 2 (and/or each preceding class), all students must be prepared to be called on for each class.

At my discretion, a student's final grade may be adjusted upward or downward by one notch (e.g., from B to B+, or from B- to C+) in recognition of strong classroom contributions or lack thereof or attending class unprepared; but if you, through no fault of your own, are unable to prepare adequately for class, please let me know in advance.

I will take attendance by distributing a roll sheet at the beginning of each class. Each student should personally initial by his or her name for that class session. It is your responsibility to insure that you have initialed the roll sheet before you leave the classroom each day. Students who do not sign the role sheet are deemed to have been absent.

Current Law Center policy requires that you attend at least 80% of all class meetings, and that missing more than 20% of classes could result in a downward reduction of your final grade or result in your being dropped from the course. You are responsible for managing your absences from class and ensuring that your total number of absences does not exceed the threshold for the class. If you are unable to attend a class, or you need to arrive late or leave early, I prefer that you notify me in advance by email. I request this notification primarily because I call on students and it is useful to know in advance that a student will not be available.

(2) **Final Exam.** Aside from any adjustments discussed above, your course grade will be based on a final examination (worth 100%). Thus, this course will be anonymous grading. More information will be provided on the final. Final grades in the course will be assigned under the Law School's policies.

(3) **Pass/Fail.** Pass/Fail is an option for this course.

E. CONTACT INFORMATION AND OFFICE HOURS

I can be reached by email at steven.c.herrera@gmail.com. If you prefer to discuss by phone, please first make an appointment via email. All emails should begin with "UHLC Govt Contracts" in the subject line.

F. SYLLABUS CHANGES

Please note that I will likely need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through email.

G. HONOR CODE

The UHLC Honor Code applies to all aspects of the class. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please ask if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to the course. It is an Honor Code violation to review the graded or ungraded assignments distributed to, or written by, any of students from prior years.

Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

H. COVID-19 INFORMATION

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see Student Protocols for what to do if you experience symptoms and Potential Exposure to Coronavirus for what to do if you have potentially been exposed to COVID-19. Students are encouraged to visit the University's COVID-19 website for important information, including diagnosis and symptom protocols, on-campus testing, and vaccine information. Please check the website throughout the semester for updates.

I. VACCINATIONS

Data suggests that vaccination remains the best intervention for reliable protection against COVID-19. Students are asked to familiarize themselves with pertinent vaccine information and to consult with their health care provider. The University strongly encourages all students, faculty and staff to be vaccinated.

J. USE OF COMPUTERS AND ELECTRONICS

Out of respect for other students and the class environment, during class sessions computers are to be used only for note taking purposes. This prohibits computer use for Internet surfing, chat rooms, e-mail, or other uses not related to note taking for class. I reserve the right

to treat violations of this policy as either a lack of preparation, a constructive lack of attendance, or, in appropriate circumstances, as a disruption of the class. In addition, during class please disable the speaker on your computer and refrain from displaying wallpaper, screen savers, or other material on your laptop computer screen that can reasonably be expected to offend or distract your classmates. Also, please ensure that all other noise making electronics, such as watches, cell phones, pagers, etc., are in a silent mode or powered off.

K. RECORDING OF CLASS

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent. If you have or think you may have a disability such that you need to record class-related activities, please contact the Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by me, but such recordings are not authorized to be shared with *anyone* without my prior written approval. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

L. REMOTE PRESENCE

This course is designated as a face-to-face course, and students are expected to be physically present in the classroom for all class sessions (unless, as noted above, a specific class date has been designated on the syllabus or via email/Canvas announcement in advance as a remote class session to be held via Zoom due to unforeseen circumstances or scheduling needs). On occasion, there also may be extenuating circumstances (such as student illness, car accident, etc.) where an individual student attends a class session remotely via Zoom while the instructor and other students are in the classroom. Students who need to attend a class session remotely must email the instructor at least thirty minutes in advance of the class start time to notify the instructor of the extenuating circumstances. Unless there are extremely unusual circumstances (for example, major illness requiring hospitalization, etc.), students may utilize remote presence to attend class for no more than a quota of three classes over the course of the semester; exceeding this will be considered a lack of preparation and may result in a deduction to your final grade. Attending remotely beyond the allowed quota will also count as absences even if allowed by the instructor. Conversely, remote days within the quota do not count as absences, the instructor will mark your attendance as “Remote” on the roll sheet for those days.

M. USE OF ARTIFICIAL INTELLIGENCE

Generative artificial intelligence tools, such as ChatGPT, Claude.ai, and other large language models, can generate text in response to prompts and/or input of other text/documents/code/images. AI Generated Text also can include computer code or programs as well as human language content. The output generated by these tools appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for written or oral work product that you might otherwise generate on your own or in collaboration with your peers.

Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in any manner. This applies to AI Generated Text from yourself or others. Specifically, this pledge includes that any assessment work product for the course submitted by you is without any contribution from AI

Generated Text and that AI Generated Text was not used in the development or drafting of any assessment work product, except as expressly permitted below. This pledge extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code; AI Generated Text will be treated as from another/other in applying the plagiarism policy to this course.

The term “assessment” means any work product generated for this course that is submitted to the instructor or TA, that is presented in a class session, regardless of whether the content is graded or not. This includes any exam and other assignments (if any).

N. INCLUSIVE LEARNING SPACE

This is an inclusive learning space. At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you’ll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed. In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran’s status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status and other diverse identities that we each bring to class. Our class is richer for this diversity. Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understanding of you and your colleagues. I encourage you to speak up and to share your views, but also understand that you are doing so in a learning environment.

O. MENTAL HEALTH AND WELLNESS RESOURCES:

The University of Houston has a number of resources to support students’ mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let’s Talk location in-person or virtually. Let’s Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-7435149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment. The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org. The Texas Lawyers’ Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP’s website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

P. DISCRIMINATION AND SEXUAL MISCONDUCT

The Law Center and the University are committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free

from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>. Please be aware that per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Q. REASONABLE ACADEMIC ADJUSTMENTS/AUXILIARY AIDS

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

R. ACCESSIBILITY AND ACCOMMODATIONS

UHLC is committed to ensuring that all students enjoy equal access and full participation. If you anticipate or experience barriers based on a disability (including any chronic or temporary medical or mental health condition), please feel free to reach out to me so that we may discuss options. If you require any support services, you may contact Ms. Samantha Ary, Academic Records Coordinator. Ms. Ary is located in room 44A TU-II in the Office of Student Services suite, and she can be reached at sary@central.uh.edu or 713-743-7466. Requests for accommodation that involve graded assignments must be directed to Ms. Ary and should be made as soon as possible to allow adequate time to document and to process the request. If you observe religious or cultural holidays that will coincide with synchronous class sessions or conferences, please let me know as soon as possible, so that I may make arrangements.

S. RESOURCES FOR ONLINE LEARNING

The University of Houston is committed to student success, and provides information to optimize the online learning experience through our PowerOn website. Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, and Canvas; requesting a laptop through the Laptop Loaner Program; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

T. ACADEMIC ENRICHMENT PROGRAM

The Academic Enrichment Program (AEP) is designed to provide academic support, counseling, and advice to first year students. In order to assist new students with developing the skills necessary for successful completion of law school, AEP offers open tutorial programs in the fall and spring. Second and third year law students with strong academics serve as Academic

Enrichment Tutors, for first year fall classes. The tutors meet regularly, with first year students in the open sessions, to assist them with enhancing their law school study skills.

U. SECURITY ESCORTS AND COUGAR RIDE

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. The security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called “Cougar Ride” that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

Other Helpful Information:

Coogs Care: <https://uh.edu/dsa/coogscare/>

Student Health Center: <https://www.uh.edu/healthcenter/>

V. CLASS SCHEDULE/READING ASSIGNMENTS

Class #	Topics	Reading Assignments
Class 1	Introduction	<ul style="list-style-type: none"> Pgs. 1-1 to 1-8; 2-1 to 2-10 Steven L. Schooner, <i>Desiderata: Objectives for a System of Government Contract Law</i>, 11 PUBLIC PROCUREMENT LAW REVIEW 103 (2002) Recommended (i.e., not required): Watch <i>War Dogs</i> (2016 Film)
PART I – AUTHORITY		
Class 2	Authority - Part 1	<ul style="list-style-type: none"> Pgs. 4-1 to 4-20 <i>U.S. Dep't of Navy v. Fed. Lab. Rels. Auth.</i>, 665 F.3d 1339 (D.C. Cir. 2012) <i>Dep't of State & Gen. Servs. Admin.-Seasonal Decorations</i>, 67 Comp. Gen. 87 (Nov. 17, 1987) <i>Nat'l Lab. Rels. Bd.--Funding of Subscription Conts.</i>, B-309530 (Sept. 17, 2007)
Class 3	Authority - Part 2	<ul style="list-style-type: none"> Pgs. 3-1 to 3-15 <i>Federal Crop Ins. Corp. v. Merrill</i>, 332 U.S. 380 (1947) <i>Panther Brands, LLC v. United States</i>, 146 Fed. Cl. 204 (2019) <i>G. L. Christian & Assocs. v. United States</i>, 312 F.2d 418 (Ct. Cl. 1963)
PART II – FORMATION		
Class 4	Competition	<ul style="list-style-type: none"> Pg. 5-1 to 5-23; 5-31 to 5-41 <i>HEROS, Inc.</i>, B-292043, June 9, 2003, 03 CPD ¶ 111 <i>Bausch & Lomb, Inc.</i>, B-298444, Sept. 21, 2006, 06 CPD ¶ 135 <i>NRC Data Sys.</i>, B-222912, July 18, 1986, 86-2 CPD ¶ 84 <i>APRO Intl.</i>, B-415149.2, Nov. 29, 2017, 17 CPD ¶ 368 Skim: FAR Subpart 6.1; Subpart 6.3
Class 5	Contract Types	<ul style="list-style-type: none"> Pgs. 6-1 to 6-22; 6-37 to 6-40 <i>Advanced Materials, Inc. v. Perry</i>, 108 F.3d 307 (Fed. Cir. 1997) <i>Horn v. United States</i>, 98 Fed. Cl. 500 (May 3, 2011) <i>Arko Exec. Servs., Inc. v. United States</i>, 553 F.3d 1375 (Fed. Cir. 2009) <i>Travel Ctr. v. Barram</i>, 236 F.3d 1316 (Fed. Cir.

		<ul style="list-style-type: none"> 2001) <i>Rumsfeld v. Applied Companies, Inc.</i>, 325 F.3d 1328 (Fed. Cir. 2003)
Class 6	Contract Methods - Part 1	<ul style="list-style-type: none"> Pgs. 7-1 to 7-7; 7-13 to 7-22 Pgs. 8-1 to 8-5; 8-12 to 8-31; 8-56 to 8-63 <i>Carnes Constr., Inc.</i>, B-241778, Feb 26, 1991, 90-2 CPD 215 <i>Mnemonics, Inc.</i>, B-290961, Oct. 28, 2002, 2003 CPD ¶ 39 <i>NCLN20, Inc.</i>, B-287692, July 25, 2001, 2001 CPD ¶ 136 <i>Int'l Waste Indus., B-411338, July 7, 2015, 2015 CPD ¶ 196</i> Recommended/skim (i.e., not required): FAR 15.306
Class 7	Contract Methods - Part 2	<ul style="list-style-type: none"> Pgs. 8-72 to 8-78; Pgs. 9-1 to 9-20; Pgs. 10-1 to 20; <i>Smelkinson Sysco Food Servs.</i>, B-281631, Mar. 15, 1999, 99-1 CPD ¶ 57 <i>Phoenix Env. Design, Inc.</i>, B-422949, Dec. 9, 2024, 2024 WL 5057110 <i>Griffin Servs. Inc.</i>, B-237272, et al., June 14, 1990, 90-1 CPD ¶ 558 <i>Dewitt and Co., Inc.</i>, B-417194, March 25, 2019, 19 CPD ¶ 126 <i>NABCO, Inc.</i>, B-293027, Jan. 15, 2004, 04 CPD ¶ 15
Class 8	Catchup/Panel	<ul style="list-style-type: none"> Reading Assignments TBD
Class 9	Bid Protests	<ul style="list-style-type: none"> Pgs. 18A-1 to 18A-33 Pgs. 18B-1 to 18B-20 <i>Julie Research Labs., Inc.</i>, B-219370, Aug. 16, 1985, 85-2 CPD ¶ 185 <i>ASRC Fed. Data Sols., LLC</i>, B-417655, Sept. 18, 2019, 19 CPD ¶ 325 <i>Exploration Partners, LLC</i>, B-298804, Dec. 19, 2006, 2006 CPD ¶ 201 <i>Palantir USG, Inc. v. United States</i>, 904 F.3d 980 (Fed. Cir. 2018)

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PART III – ADMINISTRATION

Class 10	Contract Changes	<ul style="list-style-type: none"> • Pgs. 21-1 to 21-8; 21-26 to 21-40 • <i>AT&T Communications v. WilTel</i>, 1 F.3d 1201 (Fed. Cir. 1993) • <i>Petrochem Servs., Inc. v. United States</i>, 837 F.2d 1076 (Fed. Cir. 1988) • <i>Robertson & Penn, Inc.</i>, ASBCA No. 55625, 08-2 BCA ¶ 33951
Class 11	The Contract Disputes Act	<ul style="list-style-type: none"> • Pgs. 22A-1 to 22A-35 • <i>Zafer Constr. Co. v. United States</i>, 40 F.4th 1365 (Fed. Cir. 2022) • <i>ECC Int'l Constructors, LLC v. Sec'y of Army</i>, 79 F.4th 1364 (Fed. Cir. 2023) • <i>Sikorsky Aircraft Corp. v. United States</i>, 773 F.3d 1315 (Fed. Cir. 2014) (focus on 1317-1322 only) • <i>Reflectone, Inc. v. Dalton</i>, 60 F.3d 1572 (Fed. Cir. 1995) (read all, but focus on I.A. only)
Class 12	Terminations for Convenience and Default	<ul style="list-style-type: none"> • Pgs. 24-1 to 24-15 • Pgs. 25-1 to 25-10; 25-14 to 25-18; 25-40 to 25-41 • <i>Torncello v. United States</i>, 681 F.2d 756 (Ct. Cl. 1982) • <i>Krygoski Constr. Co. v. United States</i>, 94 F.3d 1537 (Fed. Cir. 1996) • <i>Gen. Dynamics Corp. v. United States</i>, 563 U.S. 478, 131 S. Ct. 1900, 179 L. Ed. 2d 957 (2011)
Class 13	Fraud	<ul style="list-style-type: none"> • Pgs. 28-1 to 28-6; 28-14 to 28-33 • <i>K & R Engineering Co., Inc. v. U. S.</i>, 222 Ct. Cl. 340 (1980) • <i>Godley v. United States</i>, 5 F.3d 1473 (Fed. Cir. 1993) • <i>Supreme Foodservice GmbH v. Dir. of Def. Logistics Agency</i>, 54 F.4th 1362 (Fed. Cir. 2022) • <i>Agility Def. & Gov't Servs. v. Dep't of Defense</i>, 739 F.3d 586 (11th Cir. 2013) (skim III.B.)
Class 14	Policy and Politics through Contracts	<ul style="list-style-type: none"> • Pgs. 13-1 to 13-26; 13-39 to 13-41 • <i>Ultima Servs. Corp. v. U.S. Dep't of Agric.</i>, 683 F. Supp. 3d 745 (E.D. Tenn. 2023) • <i>Kingdomware Techs., Inc. v. United States</i>, 579 U.S. 162, 136 S. Ct. 1969, 195 L. Ed. 2d 334 (2016) • <i>Sea Box, Inc.</i>, B-420440, B-420442, Apr. 5, 2022, 2022 CPD ¶ 83