

Teaming Agreements



PROTORÆ LAW PLLC

Devon E. Hewitt, Partner

Protora Law PLLC

8075 Leesburg Pike, Suite 760

Tysons, VA 22182

703.942.6746

dhewitt@protoraelaw.com

Teaming under FAR 9.601

“Contractor team arrangement” means:

- Two or more companies form a *partnership or joint venture* to act as a potential prime contractor;
or
- A potential *prime contractor* agrees with one or more other companies to have them *act as its subcontractors* under a specified Government contract or acquisition program

Types of Teaming Arrangements

- Prime Contractor/Subcontractor
- Joint Venture
- Contractor Team Arrangement (GSA)

Teaming Agreement Issues

General Provisions

- Identification of procurement opportunity
- Parties' respective responsibilities as to proposal preparation and submission
- Confidentiality provisions
- Termination
- Intent to enter into a subcontract

Important Provisions/Subcontractor

- Exclusivity
- Proposal Preparation
- Award of Subcontract
- Work share

Negotiating Important Provisions/Sub

- Exclusivity
 - Define scope
 - Mutual?
 - Intersects with survival/termination provision
- Proposal Preparation
 - Identify proposed subcontractor in proposal
 - Can provide pricing directly to Government
 - Review of proposal prior to submission

Negotiating Important Provisions/Sub

- Subcontract Award
 - Prime must try to get CO approval of subcontractor
 - Pricing must reflect subcontractor pricing included in proposal or provided Prime
 - Period of Performance of subcontract should be coextensive with Prime Contract
 - Prime can only terminate subcontract for convenience if Prime Contract so terminated

Negotiating Important Provisions/Sub

- Work share
 - Enforceability issues
 - SBA rules
 - Large Prime (has a subk plan) must provide written explanation to Contracting Officer if it fails to order goods and services from a small business subcontractor it used in preparing the proposal
 - Prime supposed to use small business sub “in the same scope, amount, and quality used in preparing and submitting the proposal”
 - Report lack of utilization to CO

Questions?

Contact Information



Devon E. Hewitt
703.942.6746
dhewitt@protoraelaw.com