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*First Round of Iraq Reconstruction Contracts Provide Insight into Agency Authority,  
Misunderstood Procurement Techniques*

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Abstract by Melissa Sutton

The article takes an in-depth look at the process used to issue the first round of reconstruction contracts in Iraq. The author addresses two of the most publicly criticized procurement decisions: the first by the United States Agency for International Development (USAID), and the second by the United States Army Corps of Engineers (USACE).

The article begins with an examination of the justifications provided by each agency for implementing less than full and open competition and evaluates those justifications under the applicable procurement statutes and regulations. It goes on to explore an area of the law where agencies enjoy broad, but not unlimited, discretion. The article concludes that while each agency could have increased its level of transparency to avoid public scrutiny, the USAID and USACE set forth compelling justifications for limiting competition in their contracts for Iraq and fully adhered to the federal procurement requirements.