

How Operation Warp Speed's Big Vaccine Contracts Could Stay Secret

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McCarter attorney Franklin Turner spoke with NPR regarding government contracts in relation to Operation Warp Speed.

Most government contracts are governed by a set of rules called the Federal Acquisition Regulation, or FAR.

"It's really a bible that the government and contractors are supposed to follow with respect to a given acquisition," says attorney Franklin Turner, a partner at McCarter and English, who has been involved with thousands of government contracts in his career. "It is supposed to establish the process from soup to nuts, right from the beginning to the very end of a procurement."

The acquisition regulations contain everything Congress stipulates should "govern the expenditure of taxpayer dollars," from anti-human-trafficking clauses to ethics and company conduct requirements, Turner says. But the resulting process can be time-consuming. Sometimes, it can stretch for years, especially if competitive bidding is involved or a losing company challenges an award through a formal protest process.

"I don't think that they operate to relieve liability," Turner says.

"They operate, if anything, to streamline the process for a variety of reasons, depending on the acquisition at issue."