5843.9000 Policy

(S-90) When issuing a modification to an existing contract, order, or task order that requires a change to the scope of work to be performed, the contracting officer shall complete the Memorandum for the Record (MFR) Scope Determination located at DARS PGI 5843.9000(S-90). Further guidance on determining when a modification is within scope of an existing contract is contained within the Scope Determination Guide at DARS PGI 5843.9000(S-90).

(S-91) Scope determinations are not required for:

(i) Administrative changes issued as modifications that do not impact the substantive rights of the parties (e.g., a change in the paying office or the appropriation data (FAR 43.101)

(ii) Unilateral modifications that are authorized by clauses other than the Changes clause (e.g., Property clause, Options clause, or Suspension of Work clause (FAR 43.103(b)(3)).

(S-92) General Counsel shall be consulted in cases where the contracting officer cannot make a clear determination whether the proposed modification is within scope of the existing contract or task order.

(S-93) In-scope changes to an existing contract shall be issued in accordance with FAR 43.2. When a proposed change requires a modification outside of the general scope of a contract the contracting officer must either:

(i) Competitively solicit the requirement; or,

(ii) Issue the modification in accordance with the non-competitive procedures at FAR 6.303, 8.405-6, or 16.505(b)(2).

Parent topic: SUBPART 5843.90 – SCOPE DETERMINATION