33.213 Obligation to continue performance.

(a) In general, before passage of the Disputes statute, the obligation to continue performance applied only to *claims* arising under a contract. However, the Disputes statute, at 41 U.S.C. 7103(g), authorizes agencies to require a contractor to continue contract performance in accordance with the *contracting officer*'s decision pending a final resolution of any *claim* arising under, or relating to, the contract. (A *claim* arising under a contract is a *claim* that can be resolved under a *contract clause*, other than the clause at 52.233-1, Disputes, that provides for the relief sought by the claimant; however, relief for such *claim* can also be sought under the clause at 52.233-1. A *claim* relating to a contract is a *claim* that cannot be resolved under a *contract clause* other than the clause at 52.233-1.) This distinction is recognized by the clause with its AlternateI (see 33.215).

(b) In all contracts that include the clause at 52.233-1, Disputes, with its AlternateI, in the event of a dispute not arising under, but relating to, the contract, the *contracting officer shall* consider providing, through appropriate agency procedures, financing of the continued performance; provided, that the Government's interest is properly secured.

Parent topic: Subpart 33.2 - Disputes and Appeals