# Subpart 42.13 - Suspension of Work, Stop-Work Orders, and Government Delay of Work

**Parent topic:** Part 42 - Contract Administration and Audit Services

## 42.1301 General.

Situations *may* occur during contract performance that cause the Government to order a *suspension* of work, or a work stoppage. This subpart provides clauses to meet these situations and a clause for settling contractor *claims* for unordered Government caused delays that are not otherwise covered in the contract.

## 42.1302 Suspension of work.

A *suspension* of work under a *construction* or architect-engineer contract *may* be ordered by the *contracting officer* for a reasonable period of time. If the *suspension* is unreasonable, the contractor *may* submit a written *claim* for increases in the cost of performance, excluding profit.

## 42.1303 Stop-work orders.

(a) Stop-work orders *may* be used, when appropriate, in any negotiated fixed-price or cost-reimbursement supply, research and development, or service contract if work stoppage *may* be required for reasons such as advancement in the state-of-the-art, production or engineering breakthroughs, or realignment of programs.

(b) Generally, a stop-work order will be issued only if it is advisable to suspend work pending a decision by the Government and a *supplemental agreement* providing for the *suspension* is not feasible. Issuance of a stop-work order *shall* be approved at a level higher than the *contracting officer*. Stop-work orders *shall* not be used in place of a termination notice after a decision to terminate has been made.

(c) Stop-work orders *should* include-

(1) A description of the work to be suspended;

(2) Instructions concerning the contractor’s issuance of further orders for materials or services;

(3) Guidance to the contractor on action to be taken on any subcontracts; and

(4) Other suggestions to the contractor for minimizing costs.

(d) Promptly after issuing the stop-work order, the *contracting officer should* discuss the stop-work order with the contractor and modify the order, if necessary, in light of the discussion.

(e) As soon as feasible after a stop-work order is issued, but before its expiration, the *contracting*

*officer shall* take appropriate action to-

(1) Terminate the contract;

(2) Cancel the stop-work order (any cancellation of a stop-work order *shall* be subject to the same approvals as were required for its issuance); or

(3) Extend the period of the stop-work order if it is necessary and if the contractor agrees (any extension of the stop-work order *shall* be by a *supplemental agreement*).

## 42.1304 Government delay of work.

(a) The clause at 52.242-17, Government Delay of Work, provides for the administrative settlement of contractor *claims* that arise from delays and interruptions in the contract work caused by the acts, or failures to act, of the *contracting officer*. This clause is not applicable if the contract otherwise specifically provides for an equitable adjustment because of the delay or interruption; *e.g.,* when the Changes clause is applicable.

(b) The clause does not authorize the *contracting officer* to order a *suspension*, delay, or interruption of the contract work and it *shall* not be used as the basis or justification of such an order.

(c) If the *contracting officer* has notice of an unordered delay or interruption covered by the clause, the *contracting officer shall* act to end the delay or take other appropriate action as soon as practicable.

(d) The *contracting officer shall* retain in the file a record of all negotiations leading to any adjustment made under the clause, and related *certified cost or pricing data*, or *data other than certified cost or pricing data*.

## 42.1305 Contract clauses.

(a) The *contracting officer shall* insert the clause at 52.242-14, *Suspension* of Work, in *solicitations* and contracts when a fixed-price *construction* or architect-engineer contract is contemplated.

(b)

(1) The *contracting officer may*, when *contracting* by negotiation, insert the clause at 52.242-15, Stop-Work Order, in *solicitations* and contracts for *supplies*, services, or research and development.

(2) If a cost-reimbursement contract is contemplated, the *contracting officer shall* use the clause with its AlternateI.

(c) The *contracting officer shall* insert the clause at 52.242-17, Government Delay of Work, in *solicitations* and contracts when a fixed-price contract is contemplated for *supplies* other than commercial or modified-*commercial products*. The clause use is optional when a fixed-price contract is contemplated for services, or for *supplies* that are commercial or modified-*commercial products*.