50.101-2 Policy.

(a) The authority conferred by Pub. L. 85-804 *may* not-

(1) Be used in a manner that encourages carelessness and laxity on the part of persons engaged in the defense effort; or

(2) Be relied upon when other adequate legal authority exists within the agency.

(b) Actions authorized under Pub. L. 85-804 *shall* be accomplished as expeditiously as practicable, consistent with the care, restraint, and exercise of sound judgment appropriate to the use of such extraordinary authority.

(c) Certain kinds of relief previously available only under Pub. L. 85-804; *e.g.*, rescission or reformation for mutual mistake, are now available under the authority of 41 U.S.C. chapter 71, Contract Disputes. In accordance with paragraph (a)(2) of this subsection, part 33 *must* be followed in preference to subpart 50.1 for such relief. In case of doubt as to whether part 33 applies, the *contracting officer should* seek legal advice.

Parent topic: 50.101 General.