PART 43 – CONTRACT MODIFICATIONS

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SUBPART 43.1 — GENERAL

43.102 Policy.

(S-90) Telecommunications contracts/orders that are issued in Integrated Defense Enterprise Acquisition System (IDEAS) with CLINs that are intended to track usage, shall report usage expended monthly through automatic modifications. Automatic modifications will include an IDEAS Generated Auto-Modification signature block. IDEAS will automatically generate the modifications that account for usage by using the monthly usage expenditures received by the DISA Financial Management System. The usage amounts will also be reported via a contract action report in FPDS-NG and auto-filed in IDEAS. A CLIN will be used for usage charges in telecommunications contracts/orders. SLINs will be added under the usage CLIN via the automatic modifications each month to report obligation amounts.

SUBPART 243.2 — CHANGE ORDERS

243.204-70 Definitization of change orders.

243.204 –70–7 Plans and reports.

(S-90) *Authorization*. The contracting officer shall obtain approval from the Head of the Contracting Activity (HCA) before entering into an Unpriced Change Order (UCO) or modifying the scope of a UCO when performance has already begun. The Request for HCA approval of a UCO is located in

DARS PGI 217.7404-1(S-90) and must be maintained in the contract file.

(S-91) *Processing.* The PL2 Contract Policy & Operations Division will track the processing of UCOs (see DFARS 217.7405 & DFARS PGI 217.7405) from providing a UCO tracking number to reviewing the final negotiated agreement, at all dollar values. UCOs valued greater than $5M will be reported to the Director, Defense Pricing and Contracting in accordance with the DISA Consolidated UCA Management Plan. Contract data shall be maintained in the format required by the spreadsheet referenced in DFARS PGI 217.7405(2)(ii). PL2 will track approval of the UCO by the HCA, and upon approval, retain a copy to complete the bi-annual report.

(S-92) *Review.* The contracting officer shall obtain a review of the proposed profit/fee from PL84, Cost and Pricing Branch . A UCO Tracking Number shall be obtained from the PL21, Contract Policy Branch . A compliance review of the final negotiated agreement shall be obtained from the PL22, Contract Operations Branch prior to definitization.

(S-93) *Management Plan (D&F).* All UCOs are required to adhere to the Consolidated UCA Management Plan required by DFARS PGI 217.7405(2)(i). Prior to definitization, contracting officers shall satisfy the requirements of the UCA Management Plan by executing a D&F for HCA approval IAWIAW the Consolidated UCA Management Plan (DFARS PGI 217.7405(2)(i)), which shall be maintained in the contract file. The D&F template is located in DARS PGI 217.7405(S-91).

SUBPART 43.9000 – SCOPE DETERMINATION

43.9000 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 43.9000(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 43.9000(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).