

## **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 Alternate I (see [33.215](#)).

(b) In all contracts that include the clause at [52.233-1](#), Disputes, with its Alternate I, 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](#)