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PART 43 - CONTRACT MODIFICATIONS

SUBPART 43.1 – GENERAL

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(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. 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. Automatic modifications shall include an IDEAS Generated Auto-Modification signature block.

SUBPART 243.2 – CHANGE ORDERS

243.204-70 Definitization of change orders.

243.204-70-7 Plans and reports.

(S-90) *Reports.* Contracting officers shall report all Unpriced Change Orders (UCOs) greater than \$5M to [PL21](#) within 10 days of creating the UCO (see [DFARS 243.204-70-7](#) & [PGI](#)

[217.7405](#)). Contract data shall be provided in the format required by the spreadsheet referenced in [DFARS PGI 217.7405\(2\)\(ii\)](#).

(S-91) *Authorization.* The contracting officer shall obtain approval from the head of the contracting activity (HCA) before entering into a UCO, or modifying the scope of a UCO when performance has already begun. The Request for HCA approval of a UCO is located at https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=undefinitized_contract_acti_on_uca_and_unpriced_change_order_uco_templates, and must be maintained in the contract file.

PL2 will track approval of the UCO by the HCA, and upon approval (signature) retain a copy of the approved UCO Requests for Approval and the UCO D&Fs to complete the bi-annual UCA Report.

(S-92) *Management Plan (D&F).* All UCOs are required to adhere to the Consolidated Undefinitized Contract Action (UCA) Management Plan required by [DFARS PGI 217.7405 \(2\)\(i\)](#). Prior to definitization of any UCO, contracting officers shall satisfy the requirements of the UCA Management Plan by executing a Determinations and Findings (D&F) for HCA approval. The UCA/UCO D&F contains elements of the Consolidated UCA Management Plan ([DFARS PGI 217.7405\(2\)\(i\)](#)) and shall be maintained in the contract file. The UCA/UCO D&F template is located https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=undefinitized_contract_acti_on_uca_and_unpriced_change_order_uco_templates. PL2 will track approval of the UCO by the HCA, and upon approval (signature) retain a copy of the approved UCO Requests for Approval and the UCO D&Fs to complete the bi-annual UCA Report.

SUBPART 43.9000 - SCOPE DETERMINATION

43.9000 Policy.

(S-90) When issuing a modification to an existing contract, order or task order made under FAR Parts 8, 14, 15, or 16, that requires a change to the scope of work to be performed, the contracting officer shall determine if the change falls within scope of the contract, order or task order. The contracting officer shall consider the following in making this determination:

- (i) Nature of work to be performed under the modification compared to the nature of the work performed under existing contract or task order;
- (ii) Amount of effort required to perform the work required by the modification compared to the amount of effort required to perform the existing contract or task order;
- (iii) Changes in quantity or quality of deliverables which exceed what offerors who proposed on the existing contract or task order should have reasonably contemplated;
- (iv) Scope of the original competition and whether offerors who proposed on the existing contract or task order should have reasonably contemplated the proposed modification;
- (v) Cumulative impact of multiple changes/previous modifications;
- (vi) Changes in time of performance.

For further guidance on determining when a modification is within scope of an existing contract, see DISA's supplementary guidance at https://www.ditco.disa.mil/DitcoContractingTemplates/doku.php?id=contracting_templates.

(S-91) Scope determinations are not required for 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) or 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) The contracting officer's scope determination shall be documented as a memorandum for the record (MFR) which cites this DARS subpart. The MFR should confirm the factors in

43.9000 S-90 were taken into consideration in making the determination, whether counsel was consulted, and state the final "determination" of the contracting officer.

(S-93) 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-94) 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).