BARDA Industry Day Boston

Contract Modifications

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What is a Modification?

Modification = a change to the contract

FAR Part 43 addresses contract modifications

https://www.acquisition.gov/far/

2 kinds of modifications

• Unilateral
• Bilateral
A unilateral modification is a contract modification that is signed only by the contracting officer.

Examples of unilateral modifications are:

- Administrative changes
- Change orders
Bilateral Modification

A bilateral modification is a contract modification that is signed by the contractor and the contracting officer.

Examples of bilateral modifications are:
• negotiated equitable adjustments resulting from the issuance of a change order
• other agreements of the parties modifying the terms of contract
Contract Modification

• Maintain an open dialogue with the Contracting Officer (CO) or Contract Specialist (CS) administering your contract

• Only Contracting Officers acting within the scope of their authority are empowered to execute contract modifications on behalf of the Government

• Ask questions when any change is contemplated
Contract Modification

• Keep your CO or CS aware of any technical discussions with the Contracting Officer’s Technical Representative (COTR) that may result in a modification to the contract.

• Remember, the COTR, sometimes known as the Project Officer, does not have the authority to approve any changes to the contract, including new work that may result in additional costs.