



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



Unilateral Modification



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