

NAVSUP
Documentation and Approval of Contract Changes Resulting in
Upward Obligation Adjustments to Expired Appropriations*

I. DOCUMENTATION:

- a. Date of Request: _____
- b. Appropriation/Fiscal Year: _____
- c. Program, Project, or Activity (PPA): _____
- d. Ship's Hull Number (if applicable): _____
- e. Amount of Request: _____
- f. Fleet Logistics Center (FLC) Activity: _____
 - POC Name: _____
 - POC Title: _____
 - Telephone Number: _____

- g. Description of Circumstances/Request:

(Discussion of circumstances leading to the need to make the adjustment and a complete description of the proposed work effort)

- ☐ Within-Scope Contract Changes – covered under the change clause in the contract

(Generally, use funds originally obligated for the contractual effort, subject of the modification)

- ☐ Within-scope contract modification
- ☐ Within-scope increase in reimbursable project orders
- ☐ Within-scope error corrections or formalizations of an informal agreement that does not result in a new procurement
- ☐ Within-scope claims and settlements
- ☐ After the fact cost changes within the ceiling

Rationale:

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☐ Out-of-Scope Changes *(use Current Funds)***

- ☐ Increases in quantities
- ☐ Increases in required levels of service performance
- ☐ Change-in-scope claims and settlements
- ☐ Contract changes in a cost reimbursement commercial contracts that exceeded ceiling, and change is not based on antecedent liability enforceable by the contractor
(Unless otherwise justified as a constructive change, use funds current to the increase in ceiling)

Rationale:

NOTE:

* Upward obligation exceeding \$4M requires approval, through the Head of the Contracting Activity (HCA), to the Assistant Secretary of the Navy (ASN) Finance, Management and Comptroller (FM&C)
 ** As a contractual matter, such changes “may” require a J&A or other like justification

☐ Other New Obligations – for which legal authority exists to use expired funds

(These include, but are not limited to, re-procurement based on termination for default (not for convenience, with few exceptions) and for corrective actions taken as a result of a protest or like adjudication)

Rationale:

h. Contract Information

(also provide relevant pages to demonstrate need appropriateness of request)

- 1) FY of Original Contract: _____
- 2) Name of the Contractor: _____
- 3) Purpose of the Contract: _____
- 4) Contract Number: _____
- 5) Contract Type
☐ Firm-Fixed Price

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☐ Cost reimbursement

☐ Funding available within contract ceiling, if cost reimbursement

☐ Other - Specify: _____

6) Amount Originally Obligated (by Program Year and Appropriation): _____

7) Amount or Amounts Previously De-Obligated (for specific contract or other obligated document): _____

i. Justification of an upward obligation adjustment is/are supported by:

☐ An official Defense Contract Audit Agency (DCAA) report

☐ A signed post negotiation memorandum

☐ Other official documents such as a proposed contract modification, which, upon Execution, will obligate the funds and allow payment to be made

☐ A Government Accountability Office Decision or Finding or other like adjudication

☐ Other official documents such as a proposed contract modification, which, upon Execution, will obligate the funds and allow payment to be made

II. OTHER DOCUMENTATION:

☐ Amount of this request and amount of all prior adjustments: _____

☐ Description and amounts of any program adjustments made in previous Fiscal Years, if applicable:

☐ Determination and Findings (D&F) if based on GAO decision or like adjudication (*amount over \$4M must be forwarded through HCA to ASN FM&C*):

☐ Upward obligation adjustment is not from contract changes (*describe and provide amounts*):

☐ Prior approval from ASN (FM&C) with attached D&F (*if an upward obligation adjustments citing an expired Appropriation is in excess of \$4M*)

III. APPROVALS:

a. Contracting Officer Approval:

☐ Activity Comptroller has determined that funds are available for this adjustment per attached evidence (accounting reports, RCP)

☐ Determination has been made that proposed adjustment is appropriate and meets all statutory & regulatory Criteria

Contracting Officer's Name: _____

Tel: _____

Contracting Officer's Signature: _____ Date: _____

b. Legal Opinion provided by:

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- ☐ Legal analysis demonstrated that proposed changes relate back to the original contract scope and intent
- ☐ There is antecedent liability enforceable by the contractor
- ☐ Initiated discussions with ASN (FM&C) Office of Counsel as soon as requirement is identified

Legal Counsel's Name: _____

Tel: _____

Legal Counsel's Signature: _____ Date: _____