

Index

ABBREVIATIONS

Generally, § 1:7

ACCELERATION

Generally, § 15:1 et seq.

Administration procedures

contractor, § 15:26

government, § 15:26

Adverse conditions work costs,
§ 18:16

Delays (this index)

Causation issues, § 18:10

Constructive acceleration, § 15:2

Constructive changes theory

generally, § 10:12

notice requirements, § 20:13

Contractor caused delay costs,
§ 18:11

Costs of necessary changes

generally, § 18:9

adverse conditions work, § 18:16

causation issues, § 18:10

computations, § 18:19

contractor caused delays, § 18:11

efficiency losses, § 18:17

excusable delays, § 18:11

labor, § 18:14

materials, § 18:15

miscellaneous costs, § 18:18

recovered time, calculating,
§ 18:12

relating acceleration costs to
delays, § 18:10

Direct orders to accelerate, § 15:18

Excusable delays

generally, § 15:3 et seq.

costs of necessary changes,
§ 18:11

Labor costs of necessary changes,
§ 18:14

Liquidated damage assessments,
§ 15:22

ACCELERATION—Cont'd

Material costs of necessary changes,
§ 18:15

Mitigation of delay by, § 15:25

Orders to accelerate

generally, § 15:17 et seq.

deferred response to extension
requests, § 15:24

denial or failure to grant extension
request, § 15:23

direct orders, § 15:18

liquidated damage assessments,
§ 15:22

pressure to complete, § 15:21

refusal to grant extension, § 15:22

requests, § 15:19

threats, § 15:20

Pressure to complete, § 15:21

Requests to accelerate, § 15:19

Threats as orders to accelerate,
§ 15:20

Time extensions

deferred response to extension
requests, § 15:24

denial or failure to grant, § 15:23

refusal to grant, § 15:22

ACQUIESCENCE IN CHANGES

Scope of changes provision, § 4:9

ADDED WORK COSTS

Generally, § 16:4 et seq.

See also **Costs of Changes** (this
index)

Cost-reimbursement contracts, § 8:6

Proving causation, § 19:4

ADMINISTRATIVE

CONTRACTING OFFICERS

See **Contracting Officers** (this
index)

AGENCY JUSTIFICATIONS

Authority for additional procurement,
§ 3:16

ANTICIPATORY REPUDIATION

Default threats, § 15:20

APPROVAL DISCRETION

See **Discretion** (this index)

AUDIT RIGHTS, GOVERNMENT

Generally, § 22:4

**AUTHORITY FOR ADDITIONAL
PROCUREMENT**

Generally, § 3:7 et seq.
Additive changes, § 3:11
Agency justifications, § 3:16
Cardinal changes, § 3:13
Changes immediately after basic award, § 3:17
Competition test, scope of
 generally, § 3:10 et seq.
 additive tests, § 3:11
 cardinal change doctrine, relation to, § 3:13
 deductive tests, § 3:12
Current view, § 3:9
Deductive changes, § 3:12
Early decisions, § 3:8
Fiscal requirements, § 3:19
Minor changes, § 3:15
New procurement, authority to treat changes as, § 3:18
Scope of competition test
 generally, § 3:10 et seq.
 additive tests, § 3:11
 cardinal change doctrine, relation to, § 3:13
 deductive tests, § 3:12
Time extensions, § 3:14
Types of changes, § 3:11; 3:12

**AUTHORITY TO EFFECT
CHANGES**

Generally, § 5:1 et seq.
Actual authority, § 5:2
Conflicting cases, reconciliation of, § 5:24
Constructive changes authority, § 5:13
Contracting officers
 generally, § 5:3 et seq.

**AUTHORITY TO EFFECT
CHANGES—Cont'd**

Contracting officers—Cont'd
 administrative contracting officers, § 5:8
 appointment, § 5:4
 dollar limits, § 5:7
 levels of authority, § 5:5
 scope of authority, § 5:6
Delegated authority
 generally, § 5:9 et seq.
 appointments, § 5:10
 authorized representatives, § 5:10
 contracting office employees, § 5:11
 other employees, § 5:12
Dollar limits, § 5:7
Emergencies, implied authority in, § 5:17
Express ratification, § 5:19
Formal change orders, § 7:19
Implied authority
 generally, § 5:14 et seq.
 emergencies, § 5:17
Implied ratification, § 5:20
Imputed knowledge, § 5:22
Institutional ratification, § 5:21
Knowledge, imputed, § 5:22
Levels of authority, § 5:5
Protest duty of contractor, § 5:23
Ratification
 generally, § 5:18 et seq.
 express, § 5:19
 implied, § 5:20
 institutional, § 5:21
Reconciliation of conflicting cases, § 5:24
Scope of authority, § 5:6

AWARD

Changes immediately after basic award, § 3:17

BEST OPPORTUNITY RULE

Generally, § 14:10
See also **Disclosure Duties** (this index)

BILATERAL CHANGE ORDERS

Generally, § 7:13

INDEX

BILATERAL CHANGE ORDERS —Cont'd

See also **Modifications** (this index)

BREACH OF CONTRACT

Constructive change vs, § 14:4

Deductive changes vs. convenience terminations, § 18:24

Default threats, § 15:20

BURDEN OF PROOF

Proving Costs (this index)

Defective specifications, § 13:41

CARDINAL CHANGE DOCTRINE

Generally, § 3:13

CATCH UP

See **Acceleration** (this index)

CEILINGS

Cost-reimbursement contracts, § 8:16

CHANGE ORDERS

Formal Change Orders (this index)

Issuing the Change (this index)

Bilateral, § 7:13

Implied orders, § 11:26

Types of change orders, § 7:11 et seq.

Unilateral, § 7:12

CHANGE PROPOSALS

Value engineering change proposals (VECP), § 9:19

CHANGES CLAUSES

Generally, § 1:4

CLAIMS

Generally, § 21:1 et seq.

Adjustments for defective data, § 21:11

Balancing interest and the costs of recovering compensation for change, § 16:41

Costs of Claims (this index)

Interest on Claims (this index)

Negotiating Prices (this index)

Notice of Claims (this index)

Certification of data, § 21:10

Contractor claims

generally, § 21:2 et seq.

CLAIMS—Cont'd

Contractor claims—Cont'd

adjustments for defective data, § 21:11

certification of data, § 21:10

cost data requirements, § 21:4 et seq.

government analysis and information, § 21:3

subcontractors, § 21:9

submission requirement, § 21:8

Contractor defenses to defective pricing claims, § 21:12

Defective data, adjustments for, § 21:11

Direct and indirect claims costs, § 16:35

Final payment, effect of, § 20:14 et seq.

Government claims for price decreases, § 21:13

Minor claims, § 21:14

Pending requests, effect of final payment, § 20:16

Procedures, § 21:1 et seq.

Prosecution costs vs administration costs, § 16:32 et seq.

Subcontractors, § 21:9

Submission requirement, § 21:8

COMMERCIAL-ITEM CONTRACTS

Current standard form clauses, § 2:14

COMPETITION TEST

Additive tests, § 3:11

Cardinal change doctrine, relation to, § 3:13

Deductive tests, § 3:12

Scope of, § 3:10 et seq.

CONDITIONS

See **Terms and Conditions** (this index)

CONSTRUCTION CONTRACTS

Current standard form clauses, § 2:11

Final standard form change clauses, § 2:8

**CONSTRUCTION OF
CONTRACTS**

See **Interpretation of Contracts**
(this index)

**CONSTRUCTIVE CHANGE
THEORY**

Generally, § 10:1 et seq.

See also **Formal Change Orders**
(this index)

Acceleration

generally, § 10:12

notice requirements, § 20:13

Authority questions, § 5:13

Breach of contract or constructive
change, § 14:4

Clauses recognizing constructive
changes, § 10:20

Communication during inspection,
§ 11:27

Communications, § 11:23 et seq.

Conduct, § 11:28 et seq.

Contractor change requests, § 11:29

Defective specifications, § 10:10

Defects observed, failure to disclose,
§ 11:30

Definition, § 10:2

Direct orders, § 11:24

Disputes Act, relation to, § 10:6

Duty to disclose observed defects,
§ 11:30

Duty to proceed, § 10:14

Effect on contract administration,
§ 10:19

Equitable adjustment vs damages,
§ 10:15

Failure to cooperate, interference
and, § 10:9

Final payment, § 10:16

Government use of doctrine, § 10:3

Higher wages, orders causing,
§ 11:33

History of doctrine, § 10:4; 10:5

Impact of doctrine, § 10:13 et seq.

Implied orders, § 11:26

Indefinite delivery contracts, § 11:35

Inspection conduct, § 11:28

Inspections, communications during,
§ 11:27

**CONSTRUCTIVE CHANGE
THEORY—Cont'd**

Interference and failure to cooperate,
§ 10:9

Interpretation rules and

generally, § 11:22 et seq.

see also **Interpretation of
Contracts** (this index)

performance, interpretation during,
§ 10:8

Late option exercises, § 11:34

Notice of claim based on

generally, § 10:18; 20:9 et seq.

acceleration, § 20:13

construction contracts, § 20:11

court created notification policy,
§ 20:10

notification of changes clause,
§ 20:12

Observed defects, failure to disclose,
§ 11:30

Option alternatives, § 11:34

Performance, interpretation during,
§ 10:8

Proprietary data, use of, § 11:32

Request for changes by contractor,
§ 11:29

Scope of constructive change orders,
§ 11:31

Subcontractor claims, § 10:17

Suggestions and related communica-
tions, § 11:25

Testing conduct, § 11:28

Types of constructive changes,
§ 10:7 et seq.

Vital information, failure to disclose,
§ 10:11

CONTRACTING OFFICERS

Generally, § 5:3

Abuse of discretion in approval pro-
cess, § 12:6; 12:15 et seq.

Acceleration, administration
procedures, § 15:26

Actual authority, § 5:2

Administrative contracting officers,
§ 5:8

Appointment, § 5:4; 5:10

INDEX

CONTRACTING OFFICERS

—Cont'd

- Approval process, abuse of discretion in
 - generally, § 12:6; 12:15 et seq.
- equal items, substitutions of, § 12:17
- shop drawing disapprovals, § 12:18
- subcontractors, substitution of, § 12:16
- Audit rights, government, § 22:4
- Authority to effect changes
 - generally, § 5:2 et seq.; 5:3 et seq.
 - actual authority, § 5:2
 - administrative contracting officers, § 5:8
 - appointment, § 5:4
 - dollar limits, § 5:7
 - levels of authority, § 5:5
 - scope of authority, § 5:6
- Authorized representatives, § 5:10
- Disclosure Duties** (this index)
- Notice of Claims** (this index)
- Communication needs, § 6:10
- Cooperation duties. See **Interference and Failure to Cooperate** (this index)
- Delay notices to
 - generally, § 15:13 et seq.
 - actual knowledge, § 15:15
 - extension of time requests, § 15:14
 - response, § 15:16
- Delegations of authority by
 - generally, § 5:9 et seq.
 - appointments, § 5:10
 - authorized representatives, § 5:10
 - contracting office employees, § 5:11
 - other employees, § 5:12
- Discretion in approval process, abuse of, § 12:6; 12:15 et seq.
- Equal items, substitutions of, § 12:17
- Formal change order authorizations, § 7:19
- Levels of authority, § 5:5
- Responses to delay notices, § 15:16
- Shop drawing disapprovals, § 12:18

CONTRACTING OFFICERS

—Cont'd

- Subcontractors, substitution of, § 12:16
- Value engineering change proposals (VECP)
 - acceptance, § 9:20
 - rejection, § 9:21

CONTRACTORS

- Acceleration, administration procedures, § 15:27
- Notice of Claims** (this index)
- Clear direction rights, § 6:9
- Communication needs, § 6:10
- Defective specifications, inquiry duty as to, § 13:21
- Defenses to defective pricing claims, § 21:12
- Directions, right to clear directions, § 6:9
- Duty to proceed. See **Proceed, Duty to** (this index)
- Inquiry duty as to defective specifications, § 13:21
- Proposed changes by
 - generally, § 7:3
 - approvals, obtaining, § 7:10
 - costs of preparation, § 7:6
 - funding the change, § 7:9
 - government decision making, § 7:8
 - processing the change, § 7:7 et seq.
 - strategies, § 7:4
- Protest challenge of change order, § 5:23
- Reliance by, interpretation rules, § 11:21
- Suggestions, changes implementing, § 3:6

CONVENIENCE CHANGES

- Deductive changes distinguished, § 4:15

COOPERATION DUTIES

- See **Interference and Failure to Cooperate** (this index)

COST CEILINGS

- Cost-reimbursement contracts, § 8:16

COST CHANGES

Scope of changes provision, § 4:5

COST-REIMBURSEMENT

CONTRACTS

Generally, § 8:1

Additional fees, § 8:15

Additional work required, § 8:6

Cost ceilings, § 8:16

Cost limitation clauses, § 8:13 et seq.

Cost overruns, § 8:14

Defining changes, § 8:2

Fixed price contracts compared, § 8:3

Fund limitation clauses, § 8:13 et seq.

General rules, § 8:7

Level of effort determinations, § 8:5

Limitation clauses, § 8:13 et seq.

Negotiated estimated cost, § 8:4

Special clauses, § 8:8

Technical direction clauses

generally, § 8:9 et seq.

government's right to direct,
§ 8:10

government technical personnel,
role of, § 8:11

notification of change, § 8:12

COSTS OF CHANGES

Generally, § 16:1 et seq.

See also **Equitable Adjustment** (this index)

Acceleration costs

generally, § 18:9

adverse conditions work, § 18:16

causation issues, § 18:10

computations, § 18:19

contractor caused delays, § 18:11

delay, relating acceleration costs
to, § 18:10

efficiency losses, § 18:17

excusable delays, § 18:11

labor, § 18:14

materials, § 18:15

miscellaneous costs, § 18:18

recovered time, calculating,
§ 18:12

relating acceleration costs to
delays, § 18:10

COSTS OF CHANGES—Cont'd

Added work

generally, § 16:4 et seq.

Proving Costs (this index)

costs not incurred, § 16:10

demonstrating reasonableness,
§ 16:8

presumptive reasonableness,
§ 16:7

reasonable costs, § 16:6

timing of the pricing action, § 16:5

Administration costs vs claims prosecution costs, § 16:32 et seq.

Adverse conditions acceleration costs, § 18:16

Ambiguous specifications, costs of,
§ 16:25

Avoidable costs, defective specifications, § 18:8

Costs of Claims (this index)

Interest on Claims (this index)

Proving Costs (this index)

Compensation, quantifying, § 17:23

Computations of acceleration costs,
§ 18:19

Contractor caused delays, acceleration costs, § 18:11

Deductive changes vs. convenience terminations, § 18:24

Defective specification costs

generally, § 18:2

avoidable costs, § 18:8

delays, § 18:3

investigatory costs, § 18:6

remedial costs, § 18:6

repricing the work, § 18:7

types of compensable costs, § 18:4

wasted effort costs, § 18:5

Delay costs, change-related

generally, § 17:1 et seq.

computing costs, § 17:8 et seq.

efficiency losses, § 17:22 et seq.

Eichleay costs, § 17:11

idle labor and equipment, § 17:17
et seq.

lost overhead computations, § 17:9
et seq.

other work, impact on, § 17:6

INDEX

COSTS OF CHANGES—Cont'd

- Delay costs, change-related—Cont'd
 - overhead cost computations,
§ 17:9 et seq.
 - permissibility of modification,
§ 17:16
 - post-order delay
 - generally, § 17:3
 - other work, impact on, § 17:6
 - Rice doctrine, § 17:3
 - pre-order delay, § 17:7
 - profit considerations, § 17:27
 - Rice doctrine, § 17:3
 - stand-by costs, § 17:13
 - types of delays, § 17:2
 - Deleted work
 - generally, § 16:11 et seq.
 - Proving Costs** (this index)
 - produced work, § 16:15
 - proof of amount, § 16:13 et seq.
 - purchased work, § 16:14
 - separately priced contract items,
§ 16:16; 16:17
 - would have cost rule, § 16:11;
16:12
- Delivery under incentive contracts,
§ 18:22
- Demonstrating reasonableness and
added work, § 16:8
- Direct and indirect claims costs,
§ 16:35
- Efficiency losses
 - generally, § 17:22 et seq.
 - accelerated work, § 18:17
 - compensation, quantifying,
§ 17:23
 - expert evidence, § 17:24
- Exceptional situations, § 16:24;
16:25
- Excusable delays, § 18:11
- Expert evidence, § 17:24
- Idle labor and equipment, § 17:17 et
seq.
- Incentive contracts
 - generally, § 18:20 et seq.
 - cost, § 18:21
 - delivery, § 18:22
 - performance, § 18:22
- Investigatory costs, § 18:6

COSTS OF CHANGES—Cont'd

- Labor
 - acceleration costs, § 18:14
 - adverse working condition costs,
§ 18:16
- Materials, acceleration costs, § 18:15
- Methods of operation, reasonable
costs, § 16:9
- Other work, impact on, § 17:6
- Overhead
 - generally, § 16:18 et seq.
 - see also **Overhead** (this index)
- Performance of incentive contracts,
§ 18:22
- Presumptive reasonableness of added
work, § 16:7
- Pricing special types of equitable
adjustments, § 18:1 et seq.
- Produced work, proof of amount,
§ 16:15
- Profits
 - generally, § 16:18 et seq.
 - see also **Profits** (this index)
- Purchased work, proof of amount,
§ 16:14
- Reasonable costs
 - added work, § 16:6
 - costs not incurred, § 16:10
 - demonstrating reasonableness,
§ 16:8
 - methods of operation, § 16:9
 - presumptive reasonableness,
§ 16:7
- Remedial costs, defective specifica-
tions, § 18:6
- Repricing changed work generally,
§ 16:1 et seq.
- Rice doctrine, § 17:3
- Separately priced contract items of
deleted work, § 16:16; 16:17
- Specifications, ambiguous costs of,
§ 16:25
- Stand-by costs, § 17:13
- Subcontractor change costs, § 16:24
- Timing of the pricing action, added
work, § 16:5
- Value engineering changes, § 18:23
- Wasted effort costs defective specifi-
cations, § 18:5

COSTS OF CHANGES—Cont'd

Would have cost rule, § 16:11; 16:12

COSTS OF CLAIMS

Administration costs vs claims prosecution costs, § 16:32 et seq.

Balancing interests, § 16:41

Claims costs, § 16:41

Equal Access to Justice Act, § 16:36 et seq.

Expenses recoverable, § 16:40

Fees recoverable, § 16:40

Formal change order preparation costs, § 7:6

Prerequisites for recovery, § 16:37

Prevailing party, § 16:38

Substantially justified position, § 16:39

CRITICAL PATH ANALYSIS

Excusable delays, § 15:12

CUMULATIVE IMPACT OF CHANGES

Generally, § 4:7

DEDUCTIVE CHANGES

Convenience changes distinguished, § 4:15

DEFAULT THREATS

Generally, § 15:20

See also **Breach of Contract** (this index)

DEFECTIVE SPECIFICATIONS

Generally, § 13:1 et seq.

Actual knowledge of defects, § 13:22

Ambiguous, costs of, § 16:25

Assumption of risk of impracticability

generally, § 13:35 et seq.

author of specifications, § 13:36

contract clauses, § 13:40

material availability or price, § 13:38

mutual mistake and, § 13:39

superior knowledge or expertise, § 13:37

type of procurement, § 13:36

DEFECTIVE SPECIFICATIONS

—Cont'd

Author of specifications and assumption of risk of impracticability, § 13:36

Avoidable costs, § 18:8

Burden of proof, § 13:41

Communications following determination of impracticability, § 13:42

Constructive changes theory, § 10:10

Contractor's duty to inquire, § 13:21

Costs of necessary changes generally, § 18:2

ambiguous specifications, § 16:25

avoidable costs, § 18:8

delays, § 18:3

investigatory costs, § 18:6

remedial costs, § 18:6

repricing the work, § 18:7

types of compensable costs, § 18:4

wasted effort costs, § 18:5

Delay costs, § 18:3

Detailed specifications, implied warranty of. See **Specifications** (this index)

Disclaimers of liability, § 13:23

Evidence of remedial measures, § 13:16

Government knowledge of defects, § 13:26

Implied warranty of detailed specifications. See **Specifications** (this index)

Impossibility or impracticability of performance

generally, § 13:30

additional costs, § 13:33

additional work, § 13:34

basic theories, § 13:3

elements, § 13:31

performance difficulty, § 13:32

Restatement view, § 13:4

Investigatory costs, § 18:6

Knowledge of defects, § 13:22

Material availability or price, assumption of risk of impracticability as to, § 13:38

Model or sample defects, § 13:20

INDEX

DEFECTIVE SPECIFICATIONS

—Cont'd

- Narrow interpretation rule, § 13:25
- Other clauses and rights, relation to, § 13:29
- Performance efficiency, defects reducing, § 13:15
- Quality standards, § 13:11
- Remedial measures
 - costs, § 18:6
 - evidence of, § 13:16
- Superior knowledge or expertise and assumption of risk of impracticability, § 13:37
- Type of procurement and assumption of risk of impracticability, § 13:36
- Use of defective specifications, § 13:10
- Warranty of detailed specifications. See **Specifications** (this index)
- Wasted effort costs, § 18:5

DELAYS

- See also **Acceleration** (this index)
- Acceleration, mitigation by, § 15:25
- Acceleration associated, costs of
 - generally, § 18:9
 - adverse conditions work, § 18:16
 - causation issues, § 18:10
 - computations, § 18:19
 - contractor caused delays, § 18:11
 - efficiency losses, § 18:17
 - excusable delays, § 18:11
 - labor, § 18:14
 - materials, § 18:15
 - miscellaneous costs, § 18:18
 - recovered time, calculating, § 18:12
 - relating acceleration costs to delays, § 18:10
- Acceleration orders, § 15:17 et seq.
- Actual knowledge, § 15:15
- Adverse conditions work, acceleration associated costs of, § 18:16
- Causation issues and acceleration associated costs of, § 18:10
- Change-related delay costs
 - generally, § 17:1 et seq.

DELAYS—Cont'd

- Change-related delay costs—Cont'd
 - computing costs, § 17:8 et seq.
 - efficiency losses, § 17:22 et seq.
 - Eichleay costs, § 17:11
 - idle labor and equipment, § 17:17 et seq.
 - lost overhead computations, § 17:9 et seq.
 - other work, impact on, § 17:6
 - overhead cost computations, § 17:9 et seq.
 - permissibility of modification, § 17:16
 - post-order delay
 - generally, § 17:3
 - other work, impact on, § 17:6
 - Rice doctrine, § 17:3
 - pre-order delay, § 17:7
 - profit considerations, § 17:27
 - Rice doctrine, § 17:3
 - stand-by costs, § 17:13
 - types of delays, § 17:2
- Concurrent causes of excusable delays, § 15:10
- Contractor caused delays, acceleration associated costs of, § 18:11
- Critical path analysis of excusable delays, § 15:12
- Defective specification costs, § 18:3
- Early completions and excusable delays, § 15:11
- Efficiency losses, change-related
 - generally, § 17:22 et seq.
 - accelerated work, § 18:17
 - compensation, quantifying, § 17:23
 - expert evidence, § 17:24
- Excusable delays
 - generally, § 15:3 et seq.
 - acceleration associated costs of, § 18:11
 - concurrent causes, § 15:10
 - contractor controlled causes, § 15:5
 - critical path analysis, § 15:12
 - early completions, § 15:11
 - foreseeability, § 15:6
 - government caused, § 15:9

DELAYS—Cont'd

- Excusable delays—Cont'd
 - interpretation, § 15:4
 - subcontractor caused, § 15:8
 - weather caused, § 15:7
- Expert evidence, efficiency losses, § 17:24
- Extension of time requests, § 15:14
- Foreseeability and excusable delay, § 15:6
- Government caused excusable delays, § 15:9
- Idle labor and equipment, costs of, § 17:17 *et seq.*
- Interpretation, excusable delays, § 15:4
- Labor costs
 - acceleration associated costs of, § 18:14
 - adverse working conditions, § 18:16
- Liquidated damage assessments, orders to accelerate, § 15:22
- Materials, acceleration associated costs of, § 18:15
- Mitigation of delay by acceleration, § 15:25
- Notice to contracting officers
 - generally, § 15:13 *et seq.*
 - actual knowledge, § 15:15
 - extension of time requests, § 15:14
 - response, § 15:16
- Post-order delay, impact on other work, § 17:6
- Pressure to complete, § 15:21
- Relating acceleration costs to delays, § 18:10
- Responses to delay notices, § 15:16
- Rice doctrine, § 17:3
- Stand-by costs, § 17:13
- Subcontractor caused excusable delays, § 15:8
- Threats as orders to accelerate, § 15:20
- Time extensions
 - deferred response to extension requests, § 15:24
 - denial or failure to grant, § 15:23
 - refusal to grant, § 15:22

DELAYS—Cont'd

- Types of delays and change-related delay costs, § 17:2
- Weather caused, § 15:7

DETAILED SPECIFICATIONS

- Implied warranty of. See **Specifications** (this index)

DEVELOPMENT OF CHANGES CLAUSES

- Generally, § 2:1
- Early Changes Clauses** (this index)
- Standard Form Clauses** (this index)
- Construction contracts, § 2:8
- Supply contracts, § 2:7

DIFFICULTY OF PERFORMANCE

- Generally, § 13:32
- See also **Impossibility or Impracticability of Performance** (this index)

DISCLAIMERS

- Defective specifications, disclaimers of liability for, § 13:23
- Disclosure duties, disclaimers of liability as to, § 14:17

DISCLOSURE DUTIES

- Generally, § 14:1 *et seq.*
- Best opportunity rule, § 14:10
- Constructive changes theory, failure to disclose vital information, § 10:11
- Constructive change vs breach of contract, § 14:4
- Contractor, duty as to knowledge known to
 - generally, § 14:11 *et seq.*
 - government knowledge of contractor's ignorance, § 14:16
 - industry knowledge, § 14:12
 - investigations, information developed from, § 14:15
 - public domain information, § 14:14
 - small business preference, § 14:13
- Disclaimers of liability, § 14:17

INDEX

DISCLOSURE DUTIES—Cont'd

- Failure to disclose vital information and constructive changes theory, § 10:11
- General analytical approach, § 14:5
- Government information, implied duty, § 14:9
- Government knowledge of contractor's ignorance, § 14:16
- Helene Curtis case, § 14:3
- Implied duty
 - generally, § 14:6 et seq.
 - best opportunity rule, § 14:10
 - contractor, knowledge known to, § 14:11 et seq.
 - government information, § 14:9
 - government knowledge of contractor's ignorance, § 14:16
 - preliminary indications of problems, § 14:7
 - prior procurement information, § 14:8
 - technical information, § 14:6
- Industry knowledge, § 14:12
- Investigations, information developed from, § 14:15
- Misrepresentation and nondisclosure, § 14:2
- Preliminary indications of problems, § 14:7
- Prior procurement information, § 14:8
- Public domain information, § 14:14
- Small business preference, § 14:13
- Superior knowledge doctrine, § 14:3
- Technical information, § 14:6

DISCRETION

- Generally, § 12:6; 12:15 et seq.
- Equal items, substitutions of, § 12:17
- Shop drawing disapprovals, § 12:18
- Subcontractors, substitution of, § 12:16

DRAWINGS

- Changes, scope of vs terms and conditions, § 4:11

DUTY TO COOPERATE

- See **Interference and Failure to Cooperate** (this index)

DUTY TO DISCLOSE

- See **Disclosure Duties** (this index)

DUTY TO PROCEED

- See **Proceed, Duty to** (this index)

EARLY CHANGES CLAUSES

- 1818, § 2:2
- Generally, § 2:2 et seq.
- Civil War, § 2:3
- World War I, § 2:4

EFFECTS OF CHANGES CLAUSES

- Generally, § 3:1 et seq.
- Agency justifications, § 3:16
- Authority for Additional Procurement** (this index)
- Changes immediately after basic award, § 3:17
- Equitable adjustments and claims, vehicle for, § 3:20
- Legal nature of contract change, § 3:2
- Minor changes, § 3:15
- Modifications of contracts, § 3:2
- Time extensions, § 3:14
- Vehicle for equitable adjustments and claims, § 3:20

EFFICIENCY LOSSES

- Accelerated work, § 18:17
- Defective specifications, § 13:15
- Delay costs, change-related, § 17:22 et seq.
- Expert evidence, § 17:24

EMERGENCIES

- Implied authority to effect changes in, § 5:17

EQUAL ACCESS TO JUSTICE ACT

- Generally, § 16:36 et seq.
- See also **Costs of Claims** (this index)

EQUITABLE ADJUSTMENT

- Generally, § 16:1 et seq.
- See also **Costs of Changes** (this index)

EQUITABLE ADJUSTMENT

—Cont'd

- Acceleration costs
 - generally, § 18:9 et seq.
 - see also **Costs of Changes** (this index)
- Administration costs vs claims prosecution costs, § 16:32 et seq.
- Costs of Claims** (this index)
- Interest on Claims** (this index)
- Proving Costs** (this index)
- Deductive changes vs. convenience terminations, § 18:24
- Defective specification costs
 - generally, § 18:2 et seq.
 - see also **Costs of Changes** (this index)
- Direct and indirect claims costs, § 16:35
- Incentive contract costs
 - generally, § 18:20 et seq.
 - see also **Costs of Changes** (this index)
- Modifications and, § 22:18
- Operation, § 16:2
- Overhead and profit
 - generally, § 16:18 et seq.
 - see also **Overhead** (this index); **Profits** (this index)
- Pricing special types of equitable adjustments, § 18:1 et seq.
- Profits
 - generally, § 16:18 et seq.
 - see also **Profits** (this index)
- Purpose, § 16:2
- Repricing changed work generally, § 16:1 et seq.
- Timing of the pricing action, § 16:5
- Value engineering changes, § 18:23

ESTIMATES

- Negotiated estimated costs in cost-reimbursement contracts, § 8:4

EVIDENCE

- See also **Proving Costs** (this index)
- Remedial measures, § 13:16

EXCUSABLE DELAY

- See **Delays** (this index)

EXPERTISE

- Impossibility or impracticability of performance, superior expertise and assumption of risk of impracticability, § 13:37

EXPERTS

- See **Proving Costs** (this index)

FEDERAL ACQUISITION REGULATIONS (FAR)

- Deviations from FAR standards, § 2:16
- Standard Form 30, § 7:17
- Value engineering clauses
 - generally, § 9:4
 - use of clauses, § 9:5

FIELD PRICING ASSISTANCE

- Negotiating adjustments, § 22:3

FISCAL REQUIREMENTS

- Authority for additional procurement, § 3:19

FIXED PRICE CONTRACTS

- Cost-reimbursement contracts compared, § 8:3

FORMAL CHANGE ORDERS

- Generally, § 7:1 et seq.
- See also **Modifications** (this index)
- Approvals, obtaining, § 7:10
- Authorization, § 7:19
- Issuing the Change** (this index)
- Origination of Change Orders** (this index)
- Bilateral, § 7:13
- Contracting officer authorizations, § 7:19
- Costs, preparation, § 7:6
- Exclusion of pricing elements, § 7:15
- Funding the change, § 7:9
- Government decision making, § 7:8
- Issuance by authorized Contracting Officer, § 7:19
- Not-to-exceed prices, § 7:14
- Price restrictions, § 7:14
- Pricing elements, exclusion, § 7:15
- Processing the change, § 7:7 et seq.
- Standard Form 30, § 7:17

INDEX

FORMAL CHANGE ORDERS

—Cont'd

- Timing, § 7:20
- Types of change orders, § 7:11 et seq.
- Unilateral, § 7:12
- Written changes, § 7:18

GOVERNMENT CONTRACTING OFFICERS

- See **Contracting Officers** (this index)

GOVERNMENT-ORIGINATED CHANGES

- Generally, § 7:5
- Approvals, obtaining, § 7:10
- Funding the change, § 7:9
- Government decision making, § 7:8
- Processing the change, § 7:7 et seq.
- Proposal preparation costs, § 7:6

GOVERNMENT TECHNICAL PERSONNEL

- Role, § 8:11

HINDERING PERFORMANCE

- See **Interference and Failure to Cooperate** (this index)

IMPLIED ORDERS

- Generally, § 11:26
- See also **Constructive Change Theory** (this index)

IMPLIED WARRANTIES

- Detailed specifications. See **Specifications** (this index)

IMPOSSIBILITY OR IMPRACTICABILITY OF PERFORMANCE

- Generally, § 13:30
- Additional costs, § 13:33
- Additional work, § 13:34
- Assumption of risk of impracticability
 - generally, § 13:35 et seq.
 - author of specifications, § 13:36
 - contract clauses, § 13:40
 - material availability or price, § 13:38

IMPOSSIBILITY OR IMPRACTICABILITY OF PERFORMANCE—Cont'd

- Assumption of risk of impracticability—Cont'd
 - mutual mistake and, § 13:39
 - superior knowledge or expertise, § 13:37
 - type of procurement, § 13:36
- Author of specifications and assumption of risk, § 13:36
- Communications following determination of impracticability, § 13:42
- Defective specifications
 - generally, § 13:30
 - additional costs, § 13:33
 - additional work, § 13:34
 - basic theories, § 13:3
 - elements, § 13:31
 - performance difficulty, § 13:32
 - Restatement view, § 13:4
- Difficulty of performance, § 13:32
- Duty to proceed exception, § 6:8
- Elements, § 13:31
- Material availability or price, assumption of risk as to, § 13:38
- Mutual mistake and assumption of risk of impracticability, § 13:39
- Performance difficulty, § 13:32
- Restatement view, § 13:4
- Superior knowledge or expertise and assumption of risk, § 13:37
- Type of procurement and assumption of risk, § 13:36

IMPUTED KNOWLEDGE

- Generally, § 5:22

INDEFINITE DELIVERY CONTRACTS

- Constructive change theory, § 11:35

INSPECTIONS

- Communications during, constructive change theory, § 11:27
- Interference with contractor performance during, § 12:8

INTEREST ON CLAIMS

- Generally, § 16:26 et seq.

INTEREST ON CLAIMS—Cont'd

Accrual principles, § 16:29
 Borrowed money, interest on,
 § 16:31
 Certification requirements, § 16:28
 Computation rate, § 16:30
 Rate, § 16:30
 What constitutes a claim, § 16:27

**INTERFERENCE AND FAILURE
 TO COOPERATE**

Generally, § 12:1 et seq.
 Abuse of discretion in approval process, § 12:6; 12:15 et seq.
 Access to work site, failure to provide, § 12:13
 Approval process, abuse of discretion in
 generally, § 12:6; 12:15 et seq.
 equal items, substitutions of,
 § 12:17
 shop drawing disapprovals,
 § 12:18
 subcontractors, substitution of,
 § 12:16
 substitutions
 equal items, § 12:17
 subcontractors, § 12:16
 Assistance failure to provide, § 12:11
 Constructive changes theory, § 10:9
 Contractor performance, interference with
 generally, § 12:7
 inspections, interference during,
 § 12:8
 Cooperation duties
 generally, § 12:10 et seq.
 access to work site, failure to provide, § 12:13
 assistance failure to provide,
 § 12:11
 failure to provide assistance,
 § 12:11
 interference by second contractor,
 failure to prevent, § 12:12
 second contractor, failure to prevent interference by,
 § 12:12
 work site, failure to provide access to, § 12:13

**INTERFERENCE AND FAILURE
 TO COOPERATE—Cont'd**

Discretion in approval process, abuse of, § 12:6; 12:15 et seq.
 Elements of implied duties, § 12:4
 Failure to provide assistance, § 12:11
 Hindering performance, § 12:2 et seq.
 Implied duty to cooperate and not hinder, § 12:2 et seq.
 Inspections, interference during,
 § 12:8
 Interference by second contractor,
 failure to prevent, § 12:12
 Limitations of implied duties, § 12:5
 Origins of implied duties, § 12:2
 Performance, interference with,
 § 12:7 et seq.
 Premises of implied duties, § 12:3
 Second contractor, failure to prevent interference by, § 12:12
 Work site, failure to provide access to, § 12:13

**INTERPRETATION OF
 CONTRACTS**

Generally, § 11:1 et seq.
 Abbreviations, § 1:7
 Acquiescence to other party's interpretation, § 11:15
 Actions after dispute, § 11:17
 Actions prior to dispute, § 11:14
 Allocating misinterpretation risk,
 § 11:18 et seq.
 All words, giving meaning to, § 11:8
 Analysis of contract language, § 11:9
 Basic principles, § 11:4 et seq.
 Clarification, duty to request, § 11:20
 Communication during inspection,
 § 11:27
 Communications, § 11:23 et seq.
 Conduct, § 11:28 et seq.
 Constructive change orders, § 11:22 et seq.
 Contractor change requests, § 11:29
 Custom, § 11:10
 Defects observed, failure to disclose,
 § 11:30
 Direct orders, § 11:24

INDEX

INTERPRETATION OF

CONTRACTS—Cont'd

- Discussions prior to dispute, § 11:13
- Dispute
 - actions after, § 11:17
 - actions prior to, § 11:14
- Drafters' burden, § 11:19
- Duty to disclose observed defects, § 11:30
- Duty to request clarification, § 11:20
- Excusable delays, § 15:4
- Higher wages, orders causing, § 11:33
- Implied orders, § 11:26
- Indefinite delivery contracts, § 11:35
- Inspection conduct, § 11:28
- Inspections, communications during, § 11:27
- Intent of parties, § 11:4; 22:15
- Knowledge of other party's interpretation, § 11:15
- Late option exercises, § 11:34
- Misinterpretation risk allocating, § 11:18 et seq.
- Modifications, § 22:14 et seq.
- Nondrafter, reasonable interpretation of, § 11:19
- Objective evidence, § 11:12 et seq.
- Observed defects, failure to disclose, § 11:30
- Option alternatives, § 11:34
- Parol evidence rule, § 11:16; 22:16
- Performance, interpretation during, § 11:1 et seq.
- Plain meaning rule, § 11:5; 22:16
- Precedence of terms, § 11:11
- Proprietary data, use of, § 11:32
- Reasonable interpretation of nondrafter, § 11:19
- Reasonable meaning of language, § 11:7 et seq.
- Reliance by contractor, § 11:21
- Request for changes by contractor, § 11:29
- Rules of contract interpretation, § 11:3
- Scope of constructive change orders, § 11:31

INTERPRETATION OF

CONTRACTS—Cont'd

- Specifications
 - narrow interpretation rule, § 13:25
 - specific vs general language, § 13:24
- Specific vs general language, § 13:24
- Suggestions and related communications, § 11:25
- Terms, precedence of, § 11:11
- Testing conduct, § 11:28
- Trade usage, § 11:10
- Types of evidence considered, § 11:6

INVESTIGATIONS

- Defective specifications, investigatory costs, § 18:6
- Disclosure duties as to information developed from, § 14:15

ISSUING THE CHANGE

- Generally, § 7:16 et seq.
- Standard Form 30, § 7:17
- Written changes, § 7:18

KNOWLEDGE

- See **Notice and Knowledge** (this index)

LEVEL OF EFFORT

DETERMINATIONS

- Cost-reimbursement contracts, § 8:5

LIQUIDATED DAMAGE

ASSESSMENTS

- Orders to accelerate, § 15:22

MANNER OF PERFORMANCE

- Scope of clause and types of changes allowed, § 4:12

METHOD OF PERFORMANCE

- Scope of clause and types of changes allowed, § 4:12

MINOR CHANGES

- Authority for additional procurement, § 3:15

MODELS OR SAMPLES

- Defective specifications, § 13:20

MODIFICATIONS

- Generally, § 22:9 et seq.

MODIFICATIONS—Cont'd

- See also **Formal Change Orders** (this index)
- Change-related delay costs, permissibility of modification, § 17:16
- Consideration, § 22:20
- Duress, § 22:22
- Effect of modifications, § 22:12 et seq.
- Equitable adjustment, predetermining coverage of, § 22:18
- Fiscal matters, § 22:19
- Fraud and misrepresentation, § 22:23
- Intent of the parties, § 22:15
- Interpretation rules, § 22:14 et seq.
- Mistake, § 22:21
- Parol evidence rule, § 22:16
- Partial settlements, § 22:11
- Permissibility and change-related delay costs, § 17:16
- Plain meaning rule, § 22:16
- Predetermining coverage of equitable adjustment, § 22:18
- Release as modification, § 22:13
- Supplemental agreements, § 22:10
- Value engineering
 - generally, § 9:22
 - modifications and future contract savings, § 9:15

MUTUAL MISTAKE

- Impossibility or impracticability of performance, assumption of risk as to compared, § 13:39

NEGOTIATED ESTIMATED COST

- Cost-reimbursement contracts, § 8:4

NEGOTIATING PRICES

- Generally, § 22:2 et seq.
- Administration of unpriced change orders, § 22:8
- Documenting the adjustment, § 22:7
- Field pricing assistance, § 22:3
- Government audit rights, § 22:4
- Pricing formulas, § 22:5
- Techniques, § 22:6
- Unpriced change orders, administration, § 22:8

NEW PROCUREMENT

- Authority to treat changes as, § 3:18

NOTICE AND KNOWLEDGE

- See also **Notice of Claims** (this index)
- Authority and imputed knowledge, § 5:22
- Disclosure Duties** (this index)
- Contractor knowledge and duty to disclose
 - generally, § 14:11 et seq.
 - industry knowledge, § 14:12
 - investigations, information developed from, § 14:15
 - public domain information, § 14:14
 - small business preference, § 14:13
- Defective specifications, government knowledge of, § 13:26
- Defects, contractor's actual knowledge of, § 13:22
- Delay notices to contracting officers
 - generally, § 15:13 et seq.
 - actual knowledge, § 15:15
 - extension of time requests, § 15:14
- Impossibility or impracticability of performance, superior knowledge and assumption of risk of impracticability, § 13:37
- Industry knowledge and duty to disclose, § 14:12
- Interpretation of contract by other party, knowledge of, § 11:15
- Investigations, information developed from, § 14:15
- Public domain information and duty to disclose, § 14:14
- Superior knowledge doctrine
 - disclosure duties, § 14:3

NOTICE OF CLAIMS

- Generally, § 20:1
- Administration procedure, § 20:8; 20:17
- Balancing approach, § 20:7
- Constructive change claims
 - generally, § 20:9 et seq.
 - acceleration, § 20:13
 - construction contracts, § 20:11

INDEX

NOTICE OF CLAIMS—Cont'd

Constructive change claims—Cont'd
court created notification policy,
§ 20:10
notification of changes clause,
§ 20:12

Contractor notice

administration procedure, § 20:17
administration procedures, § 20:8
balancing approach, § 20:7
final payment, effect of, § 20:14 et
seq.

liberality rule, § 20:4
non-enforcement of requirement,
§ 20:5

prejudice, agency, § 20:6

Contractors

generally, § 20:2 et seq.
thirty day requirement, § 20:3

Court created notification policy
constructive change claims,
§ 20:10

government claims, § 20:19

Final payment, effect of
generally, § 20:14 et seq.
intent of the parties, § 20:15
pending requests, § 20:16

Government notice

generally, § 20:18 et seq.
case law, § 20:19
statutes of limitation, § 20:20

Liberality rule, § 20:4

Non-enforcement of requirement,
§ 20:5

Pending requests, effect of final pay-
ment, § 20:16

Prejudice, agency, § 20:6

Statutes of limitation, § 20:20

Thirty day requirement, § 20:3

NUMEROUS CHANGES

Scope of changes provision, § 4:6

OFFICERS

See **Contracting Officers** (this
index)

ORDERS

Acceleration orders
generally, § 15:17 et seq.

ORDERS—Cont'd

Acceleration orders—Cont'd
see also **Acceleration** (this index)
Change Orders (this index)
Formal Change Orders (this index)
Threats as, § 15:20

ORIGINATION OF CHANGE ORDERS

Generally, § 7:2 et seq.
Government-Originated Changes
(this index)

OVERHEAD

Generally, § 16:18 et seq.
Compensation, quantifying, § 17:23
Delay costs, change-related
generally, § 17:9 et seq.
efficiency losses, § 17:22 et seq.
Eichleay costs, below, § 17:11
formulaic computations of costs,
§ 17:10
idle labor and equipment, § 17:17
et seq.
lost overhead computations, § 17:9
et seq.
permissibility of modification,
§ 17:16
profit considerations, § 17:27
stand-by costs, § 17:13

Efficiency losses

generally, § 17:22 et seq.
accelerated work, § 18:17
compensation, quantifying,
§ 17:23

expert evidence, § 17:24

Eichleay costs

Capital Electric, § 17:11
current applications, § 17:12
non-construction contracts,
§ 17:14

Expert evidence, efficiency losses,
§ 17:24

Formulaic computations of costs,
§ 17:10

Idle labor and equipment costs,
§ 17:17 et seq.

Lost overhead computations, § 17:9
et seq.

Principles, § 16:19

OVERHEAD—Cont'd

- Special contract clauses, § 16:22;
16:23
- Stand-by costs, § 17:13

OVERRUNS

- Cost-reimbursement contracts, § 8:14

PAROL EVIDENCE RULE

- Generally, § 11:16; 22:16
- See also **Interpretation of Contracts** (this index)

PLACE OF PERFORMANCE CHANGES

- Scope of changes provision, § 4:8

PRICING

- Generally, § 16:1 et seq.
- Costs of Changes** (this index)
- Equitable Adjustment** (this index)
- Proving Costs** (this index)

PRICING FORMULAS

- Negotiating adjustments, § 22:5
- Overhead, formulaic computations of costs, § 17:10

PROCEED, DUTY TO

- Generally, § 6:1 et seq.
- Clear direction rights exception,
§ 6:9
- Communication needs, § 6:10
- Constructive changes theory, § 10:14
- Effect of failure to proceed, § 6:2
- Exceptions
 - generally, § 6:4 et seq.
 - clear direction rights, § 6:9
 - government material breach, § 6:5
 - impracticability, § 6:8
 - material breach, § 6:5
 - nonpayment, § 6:6
- Failure to proceed, effect of, § 6:2
- Government material breach excep-
tion, § 6:5
- Impracticability exception, § 6:8
- Material breach exceptions, § 6:5
- Nonpayment exception, § 6:6
- Scope of duty, § 6:3

PROCUREMENT CONTRACTS

- New procurement, authority to treat changes as, § 3:18

PROFITS

- Generally, § 16:18 et seq.
- Amount, § 16:21
- Delay costs, change-related, § 17:27
- Principles, § 16:20
- Special contract clauses, § 16:22;
16:23

PROPRIETARY DATA,

- Constructive change orders, use in,
§ 11:32

PROVING COSTS

- Generally, § 19:1 et seq.
- Accuracy of contractor's offer, total cost method, § 19:20
- Actual cost data, § 19:6
- Added work
 - generally, § 19:2 et seq.
 - amount of costs, § 19:3
 - burden of proof, § 19:2
 - causation, § 19:4
- Burden of proof
 - added work, § 19:2
 - deleted work, § 19:5
- Certification of data, § 21:10
- Corroborating evidence, § 19:15
- Deleted work, burden of proof,
§ 19:5
- Direct evidence, § 19:14
- Expert evidence
 - generally, § 19:13
 - efficiency losses, § 17:24
- Government responsibility, total cost method, § 19:21
- Jury verdicts, § 19:10 et seq.
- Modified total cost method, § 19:22
- Reasonableness, total cost method,
§ 19:21
- Segregation of costs, § 19:7; 19:8
- Small business concerns, § 19:12
- Total cost method, § 19:17 et seq.
- Types of evidence, § 19:9

INDEX

PUBLIC OFFICERS

See **Contracting Officers** (this index)

PURPOSE OF CHANGES

CLAUSES

Equitable adjustments and claims, vehicle for, § 3:20

Vehicle for equitable adjustments and claims, § 3:20

PURPOSES OF CHANGES

CLAUSES

Generally, § 3:3 et seq.

Advantages of government operating flexibility, § 3:4

Agency justifications, § 3:16

Background, § 3:3

Authority for Additional Procurement (this index)

Changes immediately after basic award, § 3:17

Disadvantages of government operating flexibility, § 3:5

Government operating flexibility, § 3:4; 3:5

Implementation of contractor suggestions, § 3:6

Minor changes, § 3:15

New procurement, authority to treat changes as, § 3:18

Time extensions, § 3:14

QUANTITY CHANGES

Scope of changes provision, § 4:4

RATIFICATION OF CHANGE ORDERS

Generally, § 5:18 et seq.

Express, § 5:19

Implied, § 5:20

Institutional, § 5:21

REGULATIONS

See **Federal Acquisition Regulations** (this index)

RELEASE

Modification, release as, § 22:13

RELIANCE BY CONTRACTOR

Interpretation rules, § 11:21

REMEDIAL MEASURES

Defective specification, § 18:6

Evidence of, § 13:16

REPRICING

Generally, § 16:1 et seq.

Costs of Changes (this index)

Equitable Adjustment (this index)

Proving Costs (this index)

Process, repricing, § 16:3

REPUDIATION

Default threats, § 15:20

RESEARCH AND DEVELOPMENT CONTRACTS

Current standard form clauses, § 2:12

RICE DOCTRINE

Generally, § 17:3

SCOPE OF CHANGES CLAUSES

Generally, § 4:1 et seq.

Acquiescence to changes, § 4:9

Cost changes, § 4:5

Cumulative impact of changes, § 4:7

Definition of general scope, § 4:3

Numerous changes, § 4:6

Place of performance changes, § 4:8

Quantity changes, § 4:4

Time of performance changes, § 4:8

Types of changes allowed

generally, § 4:10 et seq.

conditions and terms, drawing and specifications vs, § 4:11

convenience changes vs deductive changes, § 4:15

deductive changes vs convenience terminations, § 4:15

drawings vs terms and conditions, § 4:11

government property, changes to, § 4:13

manner of performance, § 4:12

method of performance, § 4:12

no description of changes, § 4:14

specifications vs terms and conditions, § 4:11

terms and conditions, drawings and specifications vs., § 4:11

SCOPE OF CHANGES CLAUSES
—Cont'd

Within the general scope provision
generally, § 4:2
acquiescence to changes, § 4:9
cost changes, § 4:5
cumulative impact of changes,
§ 4:7
definitions, § 4:3
numerous changes, § 4:6
place of performance changes,
§ 4:8
quantity changes, § 4:4
time of performance changes,
§ 4:8

SERVICE CONTRACTS

Current standard form clauses, § 2:13

SETTLEMENTS

See also **Modifications** (this index)
Partial, § 22:11

SHOP DRAWINGS

Disapprovals as abuse of discretion,
§ 12:18

SMALL BUSINESSES

Preferences, disclosure duties,
§ 14:13
Proving costs, § 19:12

SPECIFICATIONS

Alternative methods of performance,
§ 13:18
Ambiguous, costs of, § 16:25
Defective Specifications (this index)
Brand names or equal terms, § 13:19
Burden of proof as to defects,
§ 13:41
Changes, scope of vs terms and
conditions, § 4:11
Communications following determi-
nation of impracticability,
§ 13:42
Composite specifications, § 13:14
Constructive changes theory specifi-
cations defective, § 10:10
Costs of changes resulting from
ambiguous specifications,
§ 16:25

SPECIFICATIONS—Cont'd

Defective specifications, use of,
§ 13:10
Detailed specifications
types of, § 13:12; 13:13
Implied warranty of detailed specifi-
cations
generally, § 13:6
actual knowledge of defects,
§ 13:22
alternative methods of perfor-
mance, § 13:18
brand names or equal terms,
§ 13:19
causation, § 13:9
commercial availability, § 13:17
composite specifications, § 13:14
contractor's duty to inquire,
§ 13:21
defects, actual knowledge of,
§ 13:22
disclaimers of liability, § 13:23
duty vs warranty, § 13:7
evidence of remedial measures,
§ 13:16
government knowledge of defects,
§ 13:26
inquiry duty of contractor, § 13:21
model or sample defects, § 13:20
narrow interpretation rule, § 13:25
offer contingencies, § 13:28
other clauses and rights, relation
to, § 13:29
overview of theories, § 13:2
performance efficiency, defects
reducing, § 13:15
quality standards, § 13:11
remedial measures, evidence of,
§ 13:16
scope of government liability,
§ 13:8
specific vs general language,
§ 13:24
standard clauses, § 13:27
types of detailed specifications,
§ 13:13
types of specifications, § 13:12
use of defective specifications,
§ 13:10

INDEX

SPECIFICATIONS—Cont'd

- Interpretation
 - narrow interpretation rule, § 13:25
 - specific vs general language, § 13:24
- Quality standards, § 13:11
- Specific vs general language, § 13:24
- Standard clauses, § 13:27
- Types of specifications, § 13:12

STANDARD FORM 30

- Formal change orders, § 7:17

STANDARD FORM CLAUSES

- Generally, § 2:5 *et seq.*
- Checklist of clause language, § 2:15
- Commercial-item contracts, current clauses, § 2:14
- Construction contracts
 - current clauses, § 2:11
 - final clauses, § 2:8
- Current clauses
 - generally, § 2:9 *et seq.*
 - checklist of clause language, § 2:15
 - commercial-item contracts, § 2:14
 - construction contracts, § 2:11
 - FAR deviations, § 2:16
 - research and development contracts, § 2:12
 - service contracts, § 2:13
 - supply contracts, § 2:10
- FAR deviations, § 2:16
- Final
 - generally, § 2:6 *et seq.*
 - checklist of clause language, § 2:15
 - FAR deviations, § 2:16
- Original, § 2:5
- Research and development contracts, § 2:12
- Service contracts, § 2:13
- Supply contracts
 - current clauses, § 2:10
 - final clauses, § 2:7

SUBCONTRACTORS

- Claims of, § 21:9
- Constructive change theory, subcontractor claims, § 10:17

SUBCONTRACTORS—Cont'd

- Excusable delays, subcontractor caused, § 15:8
- Substitution of
 - contracting officer discretion, § 12:16
 - costs, § 16:24

SUPPLEMENTAL AGREEMENTS

- Generally, § 22:10
- See also **Modifications** (this index)

SUPPLY CONTRACTS

- Current standard form clauses, § 2:10
- Final standard form change clauses, § 2:7

TECHNICAL DIRECTION

CLAUSES

- Generally, § 8:9 *et seq.*
- Cost-reimbursement contracts, § 8:9 *et seq.*
- Government's right to direct, § 8:10
- Government technical personnel, role of, § 8:11
- Notification of change, § 8:12

TERMINATIONS

- Deductive changes vs. convenience terminations, § 18:24

TERMS AND CONDITIONS

- Scope of change, drawings and specifications vs., § 4:11

TIME EXTENSIONS

- Authority for additional procurement, § 3:14
- Deferred response to extension requests, § 15:24
- Denial or failure to grant, § 15:23
- Refusal to grant, § 15:22

TIME OF PERFORMANCE

CHANGES

- Scope of changes provision, § 4:8

TYPES OF CHANGES

- Additive changes, § 3:11
- Allowed changes
 - generally, § 4:10 *et seq.*
 - conditions and terms, drawing and specifications vs, § 4:11

TYPES OF CHANGES—Cont'd

Allowed changes—Cont'd
 convenience changes vs deductive changes, § 4:15
 deductive changes vs convenience terminations, § 4:15
 drawings vs terms and conditions, § 4:11
 government property, changes to, § 4:13
 manner of performance, § 4:12
 method of performance, § 4:12
 no description of changes, § 4:14
 scope of clause and, § 4:10 et seq.
 specifications vs terms and conditions, § 4:11
 terms and conditions, drawings and specifications vs., § 4:11
 types of change orders, § 7:11 et seq.

Acceleration (this index)

Constructive Change Theory (this index)

Delays (this index)

Cardinal changes, § 3:13

Cost-reimbursement contracts, § 8.2

Deductive changes, § 3:12

UNILATERAL CHANGE ORDERS

Generally, § 7:12

VALUE ENGINEERING

Generally, § 9:1

Acceptance of clauses by contracting officer, § 9:20

Administration of clauses

 generally, § 9:17

 acceptance by contracting officer, § 9:20

 dual submission of VECPs, § 9:19

 proposal origination, § 9:18

 rejection by contracting officer, § 9:21

Change proposals (VECP), § 9:19

Changes to the contract, § 9:22

Collateral savings, § 9:16

Concurrent contract savings, § 9:12

Contract modifications and future contract savings, § 9:15

Costs of changes, § 18:23

VALUE ENGINEERING—Cont'd

Definition, § 9:2

Delay in acting on proposals, § 9:25

Development costs savings, § 9:10

Dual submission of VECPs, § 9:19

Equitable adjustment, § 18:23

FAR clauses

 generally, § 9:4

 use of clauses, § 9:5

Future contract savings

 generally, § 9:13 et seq.

 compensation methods, § 9:14

 contract modifications, § 9:15

Government delay in acting on proposals, § 9:25

Identification of the proposal, § 9:23

Implementation costs savings, § 9:10

Instant contract savings

 generally, § 9:8

 development costs, § 9:10

 implementation costs, § 9:10

 negative savings, § 9:11

 scope, § 9:9

Modifications, § 9:22

Negative savings, § 9:11

Net acquisition savings, § 9:7

Policy considerations, § 9:3

Proposal origination, § 9:18

Rejection of clauses by contracting officer, § 9:21

Technical data, § 9:27

Time of proposal submission, § 9:24

Types of savings

 generally, § 9:6 et seq.

 net acquisition savings, § 9:7

Unsolicited VECPs, § 9:28

Withdrawals of proposals, § 9:26

WAGES

Constructive change orders causing higher wages, § 11:33

WARRANTIES

Detailed specifications. See **Specifications** (this index)

WASTED EFFORT COSTS

Defective specifications, § 18:5

INDEX

WEATHER

Excusable delays, § 15:7

WRITTEN CHANGES

Formal change orders, § 7:18