

Unanticipated Amendment Exception (UAE) RAP

Guide

- When an unanticipated amendment to an existing contract above \$100,000 would be beyond the limits described in AAM 81.700 (i.e. exceeds the lesser of \$100,000 or 20% of the value of the current term of the contract), the agency must send its request to exceed the limits to the Division of General Services via a UAE RAP.
- Remember that the lesser of \$100,000 or 20% rule applies to the *current* term of the contract. For example, you might have an initial one-year contract with four one-year renewal options and each of the five terms is valued at \$100,000. The rule applies to the value of the current \$100,000 term, not the total value of the contract.
- Agencies must also be aware that when processing internal unanticipated amendments, a combination of these amendments that would result in exceeding the \$100,000 or 20% rule requires a UAE RAP. For example, if the value of the current contract term is \$100,000, unanticipated amendments may be processed for a combined total of \$20,000. Any unanticipated amendment beyond that amount requires a UAE RAP.
- Small procurement contracts cannot be amended to exceed \$100,000 without the approval of a UAE RAP.

UAE RAP Required Information

- ✓ **Summary:** Provide a summary of the overall project/contract.

Example: "This contract was solicited via an RFP in January 2015 and was for the vendor to provide development, installation, and maintenance of a software system that provides tracking of widgets that departmental employees use in the field."

- ✓ **Legitimacy:** Clearly explain whether the amendment being requested is legitimate and due to unforeseen circumstances that occurred as work progressed, and whether the reasons for the amendment were unforeseen at the time the contract was established, as opposed to an effort to evade procurement requirements.

Example: "This contract was solicited via an RFP in January 2015 and was for the vendor to provide development, installation, and maintenance of a software system that provides tracking of widgets that departmental employees use in the field. A recent change in federal regulations mandates that the department implement additional features to the software. Failure to implement these additional features will result in the department being unable to meet these new regulations and ultimately the loss of federal funding being used for this project."

- Note that you may also include other documentation to help explain the background of the project and why the amendment is necessary, such as a memo or email from the project manager or another subject matter expert directly related to the project.

- ✓ **Scope:** Clearly explain the original scope of the contract and how the additional work is within that scope.

Example: "The original scope of this contract was for the vendor to provide development, installation, and maintenance of the department's widget tracking software. The work set out in the requested amendment is to provide additional development to the software in order to ensure the department is able to meet federal regulations."

- ✓ **Contract Clauses:** Identify whether the contract contains clauses authorizing modification.

Example: The contract has a clause that authorizes modification in the event additional work is needed.

- ✓ **Extent:** Clearly explain whether the amendment represents any important general change that alters the essential identity or main purpose of the original contract, or is of such importance as to constitute a new undertaking.

Example: "This amendment will not change the purpose of the contract, which was to provide the department software that tracks widgets in accordance with federal regulations."

- ✓ RAP amount and if applicable, how the amount requested will be distributed (e.g. \$100,000 will be divided equally among the two remaining one-year contract terms).
- ✓ Specific reasons why the amendment is in the state's best interest (this can be included in the summary or legitimacy portions of the RAP).
- ✓ Copies of the original contract face page and any contract amendment face pages.
- ✓ Copies of any RAPs directly related to the project.