

Policy Title:	Contract Amendments – OAR <i>Repealed 4/01/14</i>		
Policy Number:	III-D.3.5 413-330-0600 thru 0610	Effective Date:	12/29/95

Approved By: *on file*

Date Approved: 3/24/14

[Policy](#)

[Forms, etc.](#)

[References](#)

[Contact](#)

Reference(s):

- ORS 291.021

Form(s) that apply:

- None referenced.

Rules:

413-330-0600

Use of Amendments

- (1) A contract is binding and can be changed only if both parties agree to the change, except for situations recognized in the contract. (Example: Termination or other corrective actions when prescribed procedures are followed.) When both parties agree, the change must be accomplished by reducing it to writing in an amendment.
- (2) A contract may be amended when the nature and extent of the change is consistent with the intent of the contract. Examples of amendments which may be appropriate are:
 - (a) To extend or shorten the term (duration) of the contract;
 - (b) To increase or decrease the number of units of service;
 - (c) To add, delete or further change a service or condition of service.

- (3) An amendment will not be used to change the basis or purpose of a contract, to exercise a right, or to carry out an obligation authorized in the contract. (For example, an amendment will not be used to change services from child care to staff training, or to terminate a contract when the method of termination to be used is authorized in the contract.)
- (4) An amendment will not be used to retroactively increase the cost SOSCF will pay for services performed by a contractor under a contract which has already terminated.
- (5) Oral agreements do not constitute a valid contract amendment. SOSCF staff may not authorize or require any services from a contractor which are not specified in the contract or an amendment executed in accordance with this policy. Staff persons requiring services outside a valid contract or contract as properly amended, may be held personally liable for the cost of those services.

Stat. Auth.: HB2004

Stats. Implementation: ORS 291.021

413-330-0610

Preparing Amendments

- (1) Amendments will be requested in accordance with Administrative Support Manual III-D.3.1.
- (2) Amendments will be prepared by the contracts office from information furnished by the responsible manager or designee on the CF 11 and will contain the following:
 - (a) Amendment date;
 - (b) Names of parties to the contract;
 - (c) Contractor's address;
 - (d) Date and number of contract being changed;
 - (e) Effective date of the change;
 - (f) Identification of parts of contracts being changed;
 - (g) Description of change or a printing of the part being changed with the new wording;
 - (h) Statement: "This amendment shall not become effective until approved by the Department of Administrative Services, State of Oregon." (Unless exempt from approval by the Department of Administrative Services.)

- (3) Amendments will be signed by all parties to the contract, and approved as required. A copy of the amendment will be attached to the contract.

Stat. Auth.: HB2004

Stats. Implementation: ORS 291.021

Contact(s):

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Policy History

- None.