

MWI 5143.1
REVISION J-2
EFFECTIVE DATE: April 6, 2016
EXPIRATION DATE: April 6, 2021

MARSHALL WORK INSTRUCTION

PS01

CONTRACT CHANGE PROCESS

With Change 2 (2/22/2018)

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DOCUMENT HISTORY LOG

Status (Baseline/ Revision/ Change/ Revalidation/ Canceled)	Document Revision/ Change	Effective Date	Description
Baseline		5/14/99	Document converted from MSFC-P06.1-C06 to a Directive. Previous history retained in system as part of canceled or superseded ISO Document files.
Revision	A	8/16/99	Changes made to reflect new organizational codes. Editorial corrections made at 6, 6.a.(1), 6.b.(3), 9.a., and Appendix B.
Revision	B	6/25/01	Document renumbered to reflect format required by MPG 1410.2. Revised paragraph 1, Purpose, to delete reference to MSFC Quality System and add MPG 5000.1. Revised Paragraph 6, Instructions, to add a Project's Configuration Control Board Directive from the Space Shuttle Projects Office as a means of submitting requesting changes to the CO (Subparagraph 6.2). Revise Subparagraph 6.2.6 to include "negotiate an equitable adjustment for the contract change and".
Revision	C	8/13/01	Revised Paragraph 3, Applicable documents, to add Procurement Information Circular (PIC) 01-16. Revised Subparagraph's 6.1 and 6.2.2 to add PIC 01-16. Revised Appendix C Paragraph a. to change \$1,000,000 to read \$100,000 and add PIC 01-16.
Revision	D	8/26/02	Revised Paragraph 3, Applicable Documents, to delete PIC 01-16; Paragraph 6.1 and 6.2.2, deleted PIC 01-16; Appendix B, revised paragraph numbers; Appendix C, added "Procedures" to title, paragraph a (now C.1.1), revised to require approval of Procurement Officer on UCAs under \$100,000; paragraph b. (now C.1.2), changed requirement for issuing UCAs as a bilateral agreement to \$100,000; new C.1.3, requires funding profile prior to execution of over a \$1M; paragraph c. (now C.1.4) changed Legal Office to Office of Chief Counsel, added requirement for Procurement Officer signature on Contract Change Authorization; new C.2, added exceptions to the requirement for Center Director or Procurement Office approval.
Revision	E	5/22/03	Updated Master List URL in footers. 3.4 changed title of MWI 5100.1, Procurement "Initiators" Guide to read Procurement "Requisitioners" Guide. Deleted the word "Initiator" and substituted "Requisitioner" throughout the document. Revised Appendix C to change the approval process for contracts that directly support the International Space Station or the Space Shuttle Program; added C.1.2 for processing undefinitized changes issued under contracts with "Swing Clauses" threshold.
Revision	F	9/26/2004	Throughout the document, denoted requirements with the verb "shall". Throughout the document, revised references from MWI 5100.1 PRG to IPR, MPG to MPR and NPG to NPR. Throughout the document, made grammatical, formatting and renumbering revisions as appropriate. Added NPR 1441.1 "NASA Retention Records Schedules" to Applicable Documents. Revised references to "Purchase Request" to read "Procurement Requisition". Paragraph 9.1, revised to include the title of NFS 1441.1.
Revision	G	3/6/2007	Throughout the document made grammatical, formatting, and renumbering revisions as appropriate. Revised definitions of Contract Specialist, COTR, and Requisitioner in 5. Definitions. Added definition of HCA, S&MA, and Special Provision for Contract Changes in 5. Definitions. Added action required by S&MA in 6.2. Revised Space Shuttle Projects Office to Shuttle Propulsion Office in 6.2.1. Added Note addressing special clauses that do not require contract value adjustments in 6.2.2.1. Revised Records Retention requirement in 9.1, Records. Added MSFC Form 3748 in 9.2,

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			Forms. Revised Cancellation date and revision number in 12, Cancellation. Revised Contract Change Process Flow Diagram in Appendix A. Moved Note 1 addressing special clauses that do not require contract value adjustments in 6.2.2 from Appendix A to 6.2.2.1. Revised Appendix C to include approvals for the issuance of UCAs exceeding \$100K on SOMD and ESMD. Revised Appendix C to include approvals for the issuance of UCAs exceeding \$100K on SOMD and ESMD. Revised Appendix C to include Contract Changes to IT systems. Clarified financial reporting requirements. Added Appendix D to provide directions for outsourced fabrication services contract change process. Added Appendix E to include Retention Records schedule.
Revision	H	5/13/2008	Revised 2. Applicability statement to address the applicability of this directive to the Michoud Assembly Facility.
Revision	I	6/16/2010	Throughout the document made grammatical, formatting, and renumbering revisions as appropriate. Revised Applicability statement. In 6.2.2.1 and 6.2.2.2, added requirement for proposed contract modifications incorporating “new work” or if action is of significant interest to HQ, or if it has agency public information implications. In 6.2.6 NOTE, added references to 6.2.2.1 and 6.2.2.2. Moved Appendix B, C and D to Chapters 1, 2 and 3. Added Acronyms to Appendix B. Moved Appendix E Records Retention to 9. Records. [On 4/12/11, at the request of the OPRD, administrative changes made at 9.2.1 to address SAT change, at Appendix B to add acronyms, and throughout to correct format, urls, and grammar.]
Change	1	1/17/2014	On 1/17/14, at the request of the OPRD, administrative changes made to revise all COTR references to COR. Deleted Chapter 3, “Outsource Fabrication Services Contract Change Process,” which is obsolete. At 9.3, deleted reference to MSFC Form 3748 which is obsolete.
Revision	J	4/6/2016	Released for five (5) year Center review as required by MPR 1410.2. Some paragraphs were reworded for clarity, but no requirements have been changed or added. Added two additional Applicability statements at 2.3 & 2.4 as required by NPR 1400.1. Reformatted to comply with new required template per MPR 1410.2 & as instructed in MWI 1410.1.
Change	1	10/12/2016	On 10/12/16, at the request of the OPRD, an administrative change was made at 5.4.7 to update the exceptions to the requirement for HCA, or Procurement Officer approval of UCAs.
Change	2	2/22/2018	On 2/22/18, at the request of the OPRD, an administrative change was made to correct wording in Appendix D, Records.

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1. PURPOSE

The purpose of this MWI is to provide the process by which a MSFC contract is modified and work instructions for implementing requirements defined in MPR 5000.1.

2. APPLICABILITY

2.1 This MWI applies to Center personnel, programs, projects, and activities, including contractors and resident agencies to the extent specified in their respective contracts or agreements. (“Contractors,” for purposes of this paragraph, include contractors, grantees, Cooperative Agreement recipients, Space Act Agreement partners, or other agreement parties.)

2.2 This MWI applies to the Michoud Assembly Facility.

2.3 This MWI applies the following: all mandatory actions (i.e., requirements) are denoted by statements containing the term “shall.” The terms: “may” or “can” denote discretionary privilege or permission; “should” denotes a good practice and is recommended, but not required; “will” denotes expected outcome; and “are/is” denotes descriptive material.

2.4. This MWI applies the following: all document citations are assumed to be the latest version unless otherwise noted.

3. AUTHORITY

3.1 [MPR 5000.1, “Purchasing”](#)

4. APPLICABLE DOCUMENTS and FORMS

4.1 [Federal Acquisition Regulation \(FAR\)](#)

4.2 [NASA Federal Acquisition Regulation Supplement \(NFS\)](#)

4.3 [NRRS 1441.1, “NASA Records Retention Schedules”](#)

4.4 [MWI 5100.1, “Initiating Procurement Requisitions”](#)

4.5 [PS-OWI-05, “Review and Execution of Procurement Documents”](#)

4.6 [PS-OWI-07, “Noncompetitive Procurement Documentation”](#)

4.7 [PS-OWI-10, “Negotiated Procurement Documentation”](#)

4.8 [PS-OWI-12, “Contract Delegations”](#)

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4.9 [PS-OWI-15, “Simplified Acquisition Threshold \(SAT\) Procurement Process”](#)

4.10 [NASA Form 1098, “Checklist for Contract Award File Content”](#)

4.11 [MSFC Form 4063, “Route Sheet Award Document”](#)

4.12 [MSFC Form 4179, “MSFC Contracting Officers Instruction Sheet \(COSIS\)”](#)

4.13 [MSFC Form 4641, “Contract Change Authorization”](#)

5. INSTRUCTIONS

5.1 This MWI relates primarily to the administration of contracts described in MPR 5000.1. Roles of the various organizations and personnel involved vary with the phase of the change order/modification process, as identified in subsequent paragraphs. All changes to a contract shall be made in strict compliance with regulations as set forth in the FAR and NFS.

5.1.1 The Undefined Contract Action (UCA) shall be issued in accordance with the instructions contained in NFS Subpart 1843.70. Specific MSFC instructions regarding issuance of UCAs are set forth in 5.4.

5.2 ACTION BY CONTRACTING OFFICER (CO), CONTRACT SPECIALIST, CONTRACTING OFFICER REPRESENTATIVE (COR) AND SAFETY AND MISSION ASSURANCE (SMA).

5.2.1 Change(s) in contract requirements can be requested by the COR, the contractor, or the CO, but only the CO shall direct the contractor to perform the changed work.

5.2.1.1 Requests for changes shall be submitted to the CO in writing, utilizing any form or format acceptable to the CO (e.g., in Space Launch System Program Office, requests utilize the MSFC Form 4179, “Contracting Officer’s Special Instruction Sheet (COSIS),” or a Project’s Configuration Control Board Directive (CCBD) provided that when a CCBD is used, the funding information required by the COSIS would be included).

5.2.1.2 A proposed change to the contract that impacts either cost or technical requirements (e.g., changes to the statement of work, specification, period or place of performance, or delivery schedule) shall be reviewed and approved by the COR and responsible organization/personnel (CCB), if applicable or Project Manager) prior to submission to the CO for appropriate action.

5.2.1.3 The respective SMA program/project representative shall review the change to update applicable quality requirements.

5.2.1.4 The CO shall, in consultation with the COR and resources personnel, confirm in writing

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that adequate resource funding is available, or in the case of incrementally-funded contracts, will be made available.

5.2.1.5 Any proposed change determined by the CO to be a “new work” addition to the contract (not authorized within the terms and conditions of the respective contract), shall be supported by appropriate contract documentation. (See MWI 5100.1 and PS-OWI-07.)

5.2.2 Once the change has been authorized internally and is expected to require an equitable adjustment of cost and/or fee, the CO shall verify the availability of funds.

5.2.2.1 The CO shall comply with NFS 1805.303 regarding Headquarters Public Announcement (PA) and/or an Administrator Notification of a Significant Contract Action (ANOSCA) for proposed contract modifications incorporating “new work” or if the CO, after consultation with NASA Headquarters, considers the contract action to be of significant interest to Headquarters or if it has Agency public information implications.

5.2.2.2 The CO shall comply with FAR 5.2, NFS 1805.2, FAR 5.3, and/or NFS 1805.3 regarding synopsising a proposed modification incorporating “new work” or additional supplies or services.

5.2.2.3 The CO shall request the contractor to submit a cost and/or technical proposal reflecting the planned implementation of the change (see 5.3), or issue a UCA in accordance with NFS 1843.70 and 5.4, authorizing the contractor to implement the change and submit a cost and/or technical proposal.

Note: Some contracts contain special clause(s) that do not require contract value adjustment for changes within established cost thresholds.

5.2.3 The CO shall monitor the contractor progress in preparing and submitting proposals and resolving any questions or issues that might arise.

5.2.4 Upon receipt of the contractor’s proposal, the CO shall ensure that it is evaluated in accordance with the FAR, NFS, and PS-OWI-10.

5.2.4.1 The COR shall be responsible for submitting to the CO documentation of the technical evaluation.

5.2.5 Contractor proposals reflecting claims against the Government shall be coordinated by the CO through the MSFC Office of the Chief Counsel (LS01) and evaluated generally in the same manner as proposals for equitable adjustments resulting from changes to the contract.

5.2.6 Subsequent to evaluation, the CO or Contract Specialist shall negotiate an equitable adjustment for the contract change and document the results of the evaluation and negotiation

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with the contractor in a negotiation memorandum which is part of the modification file. (See PS-OWI-10.)

Note: Refer to 5.2.2.1 and 5.2.2.2.

5.2.6.1 The CO or Contract Specialist shall prepare and the CO issues a modification incorporating the agreed-to changes. (See PS-OWI-05.)

5.2.7 The COR shall monitor the implementation of the change if there is a technical impact and report any discrepancies to the CO.

5.3 PROPOSAL PREPARATION INSTRUCTIONS FOR PROGRAM STRETCH-OUTS AND PROGRAM REALIGNMENTS

5.3.1 FAR 15.403-5(b)(1) authorizes COs to require submission of cost or pricing data for proposals, excluding termination proposals (FAR 49.6), in the format indicated in Table 15-2 of FAR 15.408, specify an alternative format, or permit submission in the contractor's format. If a CO specifies an alternative format or permits submission in the contractor's format, they shall ensure that all estimated and/or incurred costs are provided with supporting information, adequately cross-referenced as prescribed in Table 15-2, and are suitable for detailed government analysis.

5.3.2 Proposals for program schedule change (acceleration or stretch-out) and program realignment shall be provided in Format III.B of Table 15-2, "Change Orders, Modifications, and Claims." Column 4, "Net Cost to be Deleted," and Column 5, "Cost of Work Added," are particularly important to ensure the actual cost/profit relationship existing at the time of the change is not disturbed. Development of the "Deleted Cost" (Column 2) is to include the "Actual Cost at the Time the Change is Effective" (Column 3) and an "Estimate to Complete the Current Schedule" (Column 4) based on current rates and factors.

5.3.2.1 The "Cost of Work Added" (Column 5) shall include the most current actuals available for the effort completed, plus an estimate to complete the revised schedule based on current rates.

5.3.3 Normally, proposals for stretch-outs and program realignments contain effort associated with undefinitized change orders. This cost is often commingled with the proposed cost for the original schedule and/or the revised schedule. To ensure proper evaluation, changes shall be priced individually to the revised schedule.

5.3.3.1 These individual proposals shall also be submitted in the format prescribed by Table 15-2, Format III.B. This method simplifies the development of the cost for the original and revised schedule; plus, it provides the evidence from which to determine that an equitable adjustment was made for each of the change orders. This information is normally lost when the undefinitized changes are commingled with the stretch-out or realignment cost.

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5.4 MSFC UCA CHANGE POLICY AND PROCESSING PROCEDURES

5.4.1 The following processing procedures shall apply to UCAs:

5.4.1.1 Issuance of UCAs exceeding simplified acquisition threshold (SAT) on Space Technology Mission Directorate (STMD) contracts shall be approved by the respective Head of the Contracting Activity (HCA) (in accordance with NFS 1802.101), Associate Administrator, STMD (i.e., the HCA for STMD), and those for Human Exploration and Operations Mission Directorate (HEOMD) contracts by the Associate Administrator, HEOMD (the HCA for HEOMD).

5.4.1.2 Per NFS 1843.7003(a) (1), issuance of undefinitized contract actions with a Government estimated cost or price over SAT shall be approved in writing by the HCA.

5.4.1.3 Contract changes which involve changes to Information Technology (IT) systems shall be reviewed and approved by the Center Chief Information Officer (CIO) in compliance with the agency requirements.

5.4.2 The following shall apply for required changes that are issued prior to negotiation under contracts that include a Special Provision for Contract Changes threshold, sometimes referred to as a “Swing Clause.”

5.4.2.1 If the cost estimate for a required change is unknown or in excess of the “Swing Clause” threshold, the change shall be considered a UCA and processed in accordance with 5.4.1.

5.4.2.2 If the cost estimate for the change is within the “Swing Clause” or threshold, the change shall not be processed as a UCA.

5.4.3 The UCAs exceeding SAT shall be issued as bilateral agreements setting forth a ceiling price or "not-to-exceed" estimated cost figure for the changed contractual requirements.

5.4.4 For UCAs with a Government estimate greater than \$1,000,000 and not excepted under NFS 1843.7004, a 180-day funding profile shall be obtained from the contractor prior to execution of the UCA. (The NASA goal is to definitize UCAs within 180 days from date of issuance.)

5.4.5 The UCAs with a Government estimated cost or price greater than \$1,000,000 shall include a requirement that the change be separately accounted for by the contractor to the degree necessary to provide the CO visibility into actual costs incurred pending definitization.

5.4.5.1 The CO shall waive this requirement for individual actions if there is a documented finding that such accounting procedures are not cost effective.

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5.4.5.2 A waiver shall not affect existing Contractor Financial Management Reports (for example NASA Form 533) or other financial reporting requirements set forth in the contract.

5.4.6 When HCA approval is required, a folder shall be prepared which includes the documents listed below:

a. MSFC Form 4063, "Route Sheet Award Document," placed on the cover of the folder indicating the routing of the file to PS01 for review. (The need for LS01 review is determined by the Procurement Officer.)

b. PS01 obtains the approval of the HCA and subsequently send the file back to the appropriate office for execution of the modification.

c. Right Side of Folder:

(1) NASA Form 1098;

(2) Change Request; and

(3) Other applicable documents, such as letters received from the contractor.

d. Left Side of Folder:

(1) MSFC Form 4641, "Contract Change Authorization" (CCA) signed by the CO, COR, and, as applicable, the Procurement Officer, or the HCA.

(a) If approval to waive the not-to-exceed requirement is requested, the request and its rationale shall be added to the "Additional Comments" line of the form.

(b) The CCA shall serve as the Memorandum for Record for the file.

e. Bilateral Modification signed by contractor.

5.4.7 Exceptions to the requirement for HCA, or Procurement Officer approval of UCAs are as follows:

5.4.7.1 Modifications to facilities contracts;

5.4.7.2 Modifications to construction contracts using Construction of Facilities funding; or

5.4.7.3 Modifications to decrease the contract value.

5.4.8 The contract file for any of the above modifications shall cite the exception and include complete supporting rationale for its applicability.

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6. CANCELLATION

MWI 5143.I-1, "Contract Change Process" dated June 16, 2010.

Original signed by

Todd A. May
Director

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APPENDIX A

DEFINITIONS

Change Order. A written unilateral contract modification issued pursuant to the contract “Changes” clause and signed by the CO. A change order directs the contractor to make a change in the terms, conditions and/or specifications of the contract.

Claim. A formal cost proposal submitted by the contractor seeking, as a matter of right, the equitable adjustment of contract cost and/or fee, arising from causes other than a change to the contract. This includes, for example, claims arising from compliance with new or revised Government environmental regulations, or from contract overruns. For purposes of this MWI, “claim” does not include claims under the Contract Disputes Act of 1978, which are handled in accordance with the Disputes clause in the affected contract.

Configuration Control Board (CCB). Established formally by a program/project to document, review, evaluate and disposition all changes, and to exercise configuration control on all established baselines throughout the program/project life cycle.

Contract. A mutually binding legal relationship obligating the contractor to furnish the supplies or services (including construction) and MSFC to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards, job orders or task letters issued under basic ordering agreements, letter contracts, orders, such as purchase orders under which the contract becomes effective by written acceptance or performance, and bilateral contract modifications. Contracts do not include grants, cooperative agreements, and delivery orders with other Government agencies.

Contract Specialist. A person with specialized training in procurement and knowledgeable of the FAR and NFS who assists the CO in performing their responsibilities.

Contracting Officer (CO). A person, appointed in accordance with the FAR and NFS, with the sole authority to enter into, administer, change, and/or terminate Government contracts and to make related determinations and findings within the limits of their certificates of appointment.

Contracting Officer Representative (COR). A qualified Government employee appointed by the CO to act as their technical representatives in managing the technical aspects of a particular contract. These individuals are recommended based on their training, qualifications, and experience commensurate with the duties and responsibilities to be delegated and the nature of the contract. (See PS-OWI-12.)

Contractor. The organization that provides a product or service to MSFC in a contractual

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situation.

Head of the Contracting Activity (HCA). For field installations, the Director or other head, and for NASA Headquarters, the Director for Headquarters Operations. For Mission Directorate contracts, the HCA is the Associate Administrator for the Mission Directorate in lieu of the field Center Director(s). For NASA Shared Services Center (NSSC) contracts, the HCA is the Executive Director of the NSSC in lieu of the field Center Director(s). (See NFS 1802.201.)

Modification. Any written change, either bilateral or unilateral, to the terms of a contract. A bilateral modification (Supplemental Agreement) is a contract modification that is signed by the contractor and the CO. A bilateral modification is used to make negotiated adjustments resulting from the issuance of a change order, definitize letter contracts, and reflect other agreements of the parties modifying the terms of the contract. A unilateral modification is a contract modification that is signed only by the CO. A unilateral modification is used, for example, to make administrative changes, issue change orders, make changes authorized by clauses other than a changes clause (e.g., property clause, option clause), and issue termination notices.

Special Provision for Contract Changes. A provision in a contract whereby there is an agreed upon threshold below which changes to the Statement of Work do not require adjustments to the contract value commonly referred to as a “Swing Clause.”

Undefinitized Contract Action (UCA). A unilateral or bilateral contract modification or delivery/task order in which the final price or estimated cost and fee have not been negotiated and mutually agreed to by the CO and the contractor.

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APPENDIX B
ACRONYMS

ANOSCA	Administrator Notification of a Significant Contract Action
CIO	Chief Information Officer
CCA	Contract Change Authorization
CCB	Configuration Control Board
CCBD	Configuration Control Board Directive
CO	Contracting Officer
COR	Contracting Officer Representative
COSIS	Contracting Officer's Special Instruction Sheet
FAR	Federal Acquisition Regulation
HCA	Head of the Contracting Activity
HEOMD	Human Exploration and Operations Mission Directorate
IT	Information Technology
MPR	Marshall Procedural Requirement
MSFC	Marshall Space Flight Center
MWI	Marshall Work Instruction
NFS	NASA Federal Acquisition Regulation Supplement
NRRS	NASA Records Retention Schedule
NSSC	NASA Shared Services Center
OWI	Organizational Work Instruction
PA	Public Announcement
SMA	Safety & Mission Assurance
SAT	Simplified Acquisition Threshold
STMD	Space Technology Mission Directorate
UCA	Undefinitized Contract Action

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APPENDIX C
VERIFICATION MATRIX (Reserved)

None

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APPENDIX D

RECORDS

D.1 Records. Records associated with the Contract Change Process will consist of essential procurement file documentation supporting the issuance of the change, the contract modification used to implement the change, the contractor proposal submitted in response to the change, essential file documentation reflecting the evaluation, negotiation, and settlement of the change, and the settlement contract modification.

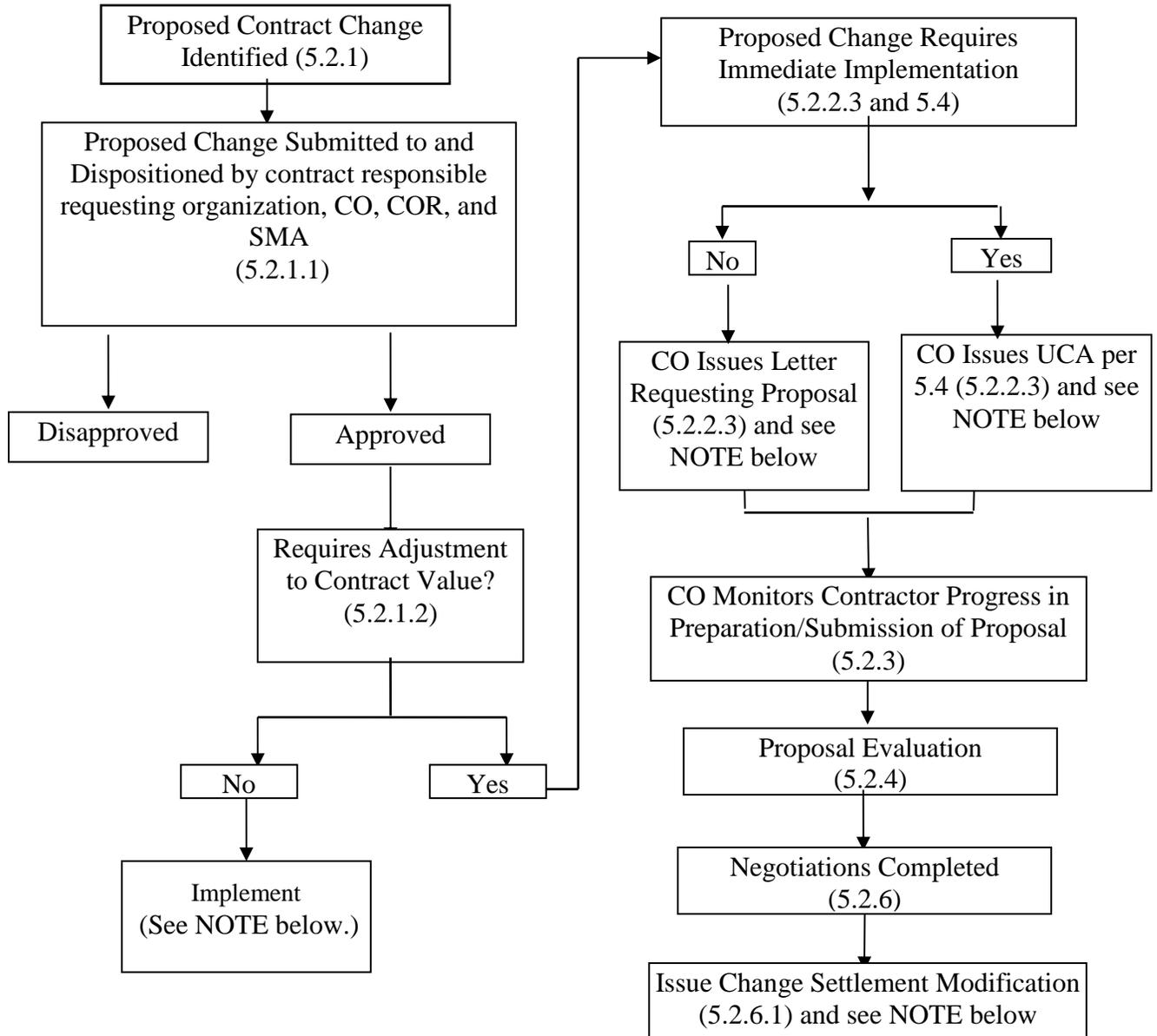
D.2 Retention Schedule.

D.2.1 Office of Procurement records retention requirements are set forth in accordance with FAR Subpart 4.8, Storage, handling, and disposal of contract files, NFS 1804.8, Government Contract Files, and NRRS 1441.1, Schedule 5.

D.2.1.1 The retention period for the disposal of contract files (including acquisitions below the SAT) is 6 years after final payment or cancellation, NRRS 5/1/A.

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APPENDIX E
CONTRACT CHANGE PROCESS FLOW DIAGRAM



****NOTE: Reference 5.2.2.1 and 5.2.2.2***