

## **200 KAR 5:311. Contract modifications.**

RELATES TO: KRS Chapter 45A

STATUTORY AUTHORITY: KRS 45A.210(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.210(1) authorizes the Secretary of the Finance and Administration Cabinet to promulgate administrative regulations permitting or requiring inclusion in procurement contracts of clauses enabling the commonwealth to effect changes or modifications in contracts. This administrative regulation establishes policies and procedures for modifying contracts issued by state agencies.

Section 1. The purchasing agencies within the Finance and Administration Cabinet, and any state agency to whom purchasing authority has been delegated by the Finance and Administration Cabinet, may provide by appropriate clauses to contracts for supplies or services for changes and modifications, and for the method of calculating the costs of any change in the contract price resulting from the modification. In contracts, other than construction contracts, for the purchase in fixed amounts of commodities, supplies and equipment, an increase in quantity of more than ten (10) percent shall not be permitted unless the solicitation informed prospective bidders or offerors that an increase in quantity might be forthcoming, nor shall increases in unit prices be permitted except as provided by a price escalation clause authorized by the solicitation or request for proposals.

Section 2. All changes to contracts for the purchase of commodities, supplies, equipment and construction services shall be effected by a modification to the contract. A copy of the modification and documentation from the purchasing officer stating the reason and basis for the modification shall be maintained in the contract file by the purchasing agency. (5 Ky.R. 577; Am. 950; eff. 7-17-79; 18 Ky.R. 1364; eff. 1-10-92; 30 Ky.R. 678; 1466; eff. 1-5-2004; Crt eff. 2-12-2020.)