



**CONTRACT MODIFICATION GUIDELINES:
FORMAL AMENDMENTS, CHANGE ORDERS AND SUPPLEMENTS**

These guidelines are intended to instruct all state agency and institution of higher education personnel involved in the process of contract modifications pertaining to capital construction, capital renewal and controlled maintenance projects as defined in CRS 24-30-1303.

Formal amendments, change orders and supplements cannot be used to commit the State to change work which exceeds the funds appropriated and authorized for the project, or change work outside of the legislative intent.

- Contract modifications to construction and professional services contracts should be documented and tracked internally by each state agency and institution of higher education. **Utilize Project Specific Status Report (SBP-10.1)** as a template if one does not currently exist for the agency or institution.
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The following apply to construction contracts and professional services contracts except as noted:

Formal Amendments are required when:

1. Changing a funding source to other than that referenced in the original contract.
2. Change work is not at the same project location as referenced in the prime contract.
3. Modifying contracts to reflect negotiated claims settlements.
4. Contract modifications substituting contracting parties or otherwise changing the parties from the original agreement (e.g., novation, assignment, other).
5. Change work amends contract provision other than specifications or drawings.
6. Change work is greater than 10% of the contract value.
7. Incorporating anticipated bid packages into the "Construction Manager/General Contractor" (CM/GC) Base Agreement to raise the contract value after establishment of the guaranteed maximum price.
8. Incorporating bid packages into the "Design/Build GMP" (D/B GMP) Base Agreement to raise the contract value after establishment of the guaranteed maximum price.
9. Modifying or establishing the guaranteed maximum price (GMP) or the fixed limit of construction cost in a CM/GC Agreement.
10. Modifying or establishing the guaranteed maximum price (GMP) or the fixed limit of design and construction cost in a D/B GMP Agreement.
11. Incorporating design and construction phases into the "Design/Build Lump Sum" (D/B LS) base agreement within the contract price.

Note: The following State approval signatures are required on all amendments: Principal Representative, State Buildings/Delegate, Attorney General/Delegate and State Controller/Delegate.

Exception #1: A State Controller Office (SCO) waived contract could also be waived ~~from~~ Attorney General ~~legal~~ review ~~and signature by State Buildings/Delegate if a delegated agency has classified the risk of the amendment according to State Controller Fiscal Rule.~~

Exception #2: After the approved amendment establishing the GMP on a CM/GC, ~~D/B LS~~ or D/B GMP construction agreement, all subsequent amendments incorporating anticipated bid packages may be waived for Attorney General/Delegate legal review and signature upon ~~request approval by the State Controller/Delegate.~~

(A “Change Order” modifies scope of work, price and or time for a construction contract. A “Supplement” is the equivalent form for professional services contracts)

Change Orders or Supplements are permitted as noted when:

1. Drawing and specification change work accumulated value at less than or equal to the contingency identified in the construction contract for change orders or 10% of the professional services contract for supplements so long as within the general scope of the contract. (If proposed change work exceeds the construction contract contingency or the 10% accumulated value of the professional services contract, the agency shall issue a formal amendment.)

Note: The following State approval signatures are required on all change order or supplements; Principal Representative; State Buildings/Delegate and State Controller/Delegate.

Emergency Field Change Orders are permitted when:

1. There is an immediate threat to life or property or where the likelihood of delays in processing a normal change order will result in substantial delays and/or significant cost increases for the project.

Note: The following State approval signatures are required on all emergency field change orders: Principal Representative and State Buildings/Delegate.