

HOW TO AMEND (MODIFY) CONTRACTS

1. Clearly indicate specifically what is being amended -- but ONLY what is being amended.
2. Do not recite again the entire original contract or any previous amendments in their entirety.
3. Please use these guidelines:

State that the parties are mutually agreeing to amend the contract.

Then list all the existing sections, by section, which are being amended.

- ***If a section is deleted in its entirety and replaced with new language***, say that. Then insert the new language.
- ***If a section is deleted in part***, indicate which part is deleted, then insert any language if there is new language to replace the deleted section.
- ***If a new section is being added***, say that and insert the new section. Be mindful of numbering in the original contract and number any new sections appropriately.
For example:
If the original contract has 13 sections, the new Section added by the Amendment will be section 14.
- ***If the term of the contract is being amended***, say how (adding or deleting the # of months, years, etc.) and what effect is made on the original term,
For example: “The term of the contract is amended to add 6 months and thereby changing the end date of the contract from 1/1/04 to 6/30/04.” Be mindful of the effect this might have on due dates in the original contract and address any changes to those as noted above.
- ***If you are reducing the contract term***, you must always address the affect on services. For instance, a year long contract with monthly due dates and deliverables, when reduced to a 6 month term, will only be able to produce ½ the promised deliverables under certain circumstances.
- ***If you are adding time and no money***, state that as “a no cost extension of the contract so as to allow the contractor to complete the tasks itemized in the original contract.” And then continue on as above addressing the change in term.
- ***If funding is being reduced, you must address its affect on services.*** It would be very rare for funding to be reduced without a corresponding reduction in services. Please address this with sufficient detail in Box 10.

Please confirm that any change in end date of the term of the contract is also reflected in Box 7 as well.

At the end, always state that "All other terms and conditions not changed by this (or prior) Amendment(s) remain in full force and effect."

4. Please number ALL Amendments even the first or only Amendment to each contract.
5. If you are Amending a previously amended contract, indicate that as follows:
"The parties agree to futher amend this contract, originally executed on _____ and previously amended on _____, _____ and _____."
6. Always indicate how the Amendment changes the budget or funding. Whether it adds or deletes money, and by what amount and how the maximum total payable is changed. For example:
"This amendment adds \$_____ to the contract and the maximum total payable under the entire contract, including all amendments, is changed from \$_____ to \$_____."
7. Whenever you add money you must also indicate WHY. If you are adding services, the additional must be as completely described as is required in any original contract.
8. If you are deleting money, you must also indicate WHY and specifically indicate what services are being deleted or reduced.

NEXT PAGES

Sample Amendment Template

(Select all that apply, number selected items in order and delete unused items before inserting into Modification form)

_____ The term of this Contract is extended for an additional _____ months/years and the end date of the Contract is changed from ____/____/____ to ____/____/____.

_____ The term of this Contract is reduced by _____ months/years and the end date of the Contract is changed from ____/____/____ to ____/____/____.

_____ The total maximum payable under this contract as Amended is increased / decreased by \$ ***(new funding amount OR reduction)***, from \$ ***(former maximum)*** to \$ ***(new maximum)***.

_____ Additional funding in the amount of \$ _____ is provided to fund the extended term of the contract as noted in # _____ above, of this Modification.

_____ The additional funding noted above is awarded for the _____ Program. Specific services to be provided by the Contractor are described on page(s) _____ of this Modification.

_____ Funding for this Contract is hereby reduced by \$ _____ and the total maximum payable under the contract, as amended, is now \$ _____.
(This clause also requires a statement to explain in detail WHY funding is reduced – corresponding reduction in term of contract, elimination of certain enumerated services, etc.)

_____ The services of the original contract ***(as previously modified)*** are ***(further)*** changed as follows:
(Then describe the changes that are the subject of the amendment in detail. If the changes are substantial, consider deleting the entire original Description of Services and replacing it in its entirety with a new one under the Amendment)