**Section 1.2067 Contract Amendments and Change Orders**

a) Contract amendments memorialize actions authorized by specific language in the contract (e.g., exercise of an option or showing price decrease or increase based on CPI) or memorialize non-material changes (e.g., change in names of notice contacts or number of periodic status meetings).

b) Change Orders

1) A change order is defined in Section 1.15. Renewals, change of a vendor's name, and orders against master contracts are not change orders.

2) Change orders that increase or decrease the cost of a contract or an estimated contract by a total of $10,000 or more, or the time of completion by a total of 30 days or more, must be accompanied by a written determination that includes a statement *that*: *the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed; the change is germane to the original contract as signed; or the change order is in the best interest of the State.* [720 ILCS 5/33E-9] Agencies may not divide change orders into smaller parts to avoid requirements for written determinations or publication.

3) A change order shall be executed by the State agency and vendor evidencing the change. All changes that require a written determination as provided in subsection (b)(2) shall be approved by the SPO. Change orders that increase the cost of a contract or an estimated contract by a total of $10,000 or more or the time of completion by more than 30 days shall be published on the Bulletin, pursuant to Section 15-25 of the Code and documented pursuant to Section 33E-9 of the Criminal Code of 2012 [720 ILCS 5], in advance of execution of the change order. Although use of emergency contracting is discouraged, if exigent circumstances require contract execution prior to publication on the Bulletin (e.g., emergency salt purchases on a holiday), emergency contracting is permitted pursuant to Section 20-30 of the Code.

4) A change order to a contract for professional or artistic services may not:

A) result in an increase in the amount paid under the contract by more than 5% of the initial award; or

B) extend the contract term beyond the time reasonably needed for a competitive procurement by more than two months.

5) The total contract term, including the initial term, renewals, extensions and change orders shall not exceed 10 years. Any change order that would extend the total term beyond 10 years is void. Any continuing need for supplies and services must be procured using one of the methods of source selection authorized by the Code and this Part.

6) Prior to executing a change order with a cost estimated to exceed $249,999, the proposed change order must be submitted to PPB. The PPB shall have up to 14 days to review and comment on the change order. The SPO assigned to the State agency may request a waiver of the review for reasons set forth in Section 20-60(c) of the Code.

(Source: Amended at 46 Ill. Reg. 10208, effective June 2, 2022)