**Section 4.2067 Contract Amendments and Change Orders**

a) Contract amendments memorialize actions:

1) authorized by specific language in the contract (e.g., exercise of an option or showing price decrease or increase based on CPI), or changes that do not affect price or time of performance (e.g., change in names of notice contacts or number of periodic status meetings);

2) not specifically authorized in a contract (e.g., material changes to terms and conditions that affect price or time of performance). This type of amendment constitutes a change order.

b) Change Orders

1) A change order is defined in Section 4.15. 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:

A) *the circumstances said to necessitate the change in performance was not reasonably foreseeable at the time the contract was signed;*

B) *the change is germane to the original contract as signed; or*

C) *the change order is in the best interest of the State.* [720 ILCS 5/33E-9] Universities 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 university 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 exceed the small purchase limit shall be published in the Bulletin in advance of execution of the change order.

4) A change order to *a contract for professional and artistic services* made using the sole source method *may not result in an increase in the amount paid under the contract by more than 5% of the initial award, or extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed two months.* [30 ILCS 500/20-25(b)]

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. PPB shall have up to 14 days to review and comment on the change order. The university may request a waiver of the review for reasons set forth in Section 20-60(c) of the Code.

(Source: Amended at 43 Ill. Reg. 1781, effective February 15, 2019)