

Unanticipated Amendment Exception (UAE) RAP

Request Guide
Revised as of 5/2021

- When an unanticipated amendment to an existing contract above \$100,000 exceeds 20% of the current contract term or \$100,000, whichever is less, the agency must send its request to exceed the limits to the Office of Procurement and Property Management (OPPM) via a UAE RAP.
- **NOTE:** The 20% rule applies to the CURRENT contract term.
 - You might have an initial one-year contract with 4 one-year renewal options, and each of the five terms is valued at \$100,000. The 20% rule applies to the value of the current \$100,000 you are in, not the total value of the contract to date (unless you are in the original term).
- **NOTE:** Small procurement contracts cannot be amended internally to exceed \$100,000.
 - You have a small procurement contract totaling \$95,000. You need to add \$12,000. It is less than 20%, but it makes the total contract amount \$107,000, which is over the small procurement limit (\$100,000). You would need CPO approval on a UAE RAP request to process that amendment.
- **NOTE:** CPO approval is not needed on amendments to a small procurement contract if the total amount of the contract after applying the amendment does not exceed \$100,000.
- **NOTE:** When processing multiple internal unanticipated amendments in a contract term, a combination of these amendments that would result in exceeding the \$100,000 or 20% rule requires CPO approval on a UAE RAP.
 - You have a contract with a term value of \$100,000. Internal unanticipated amendments may be processed for a combined total of up to \$20,000 (20%). Any unanticipated amendment on that term, beyond that amount requires CPO approval on a UAE RAP.

UAE RAP Required Information

- Executive Summary:** Provide a summary of the overall project/contract.
- Legitimacy:** Clearly explain whether the amendment being requested is legitimate, and **...Due to Unforeseen Circumstances that occurred as work progressed...** And, whether the reasons for the amendment were unforeseen at the time the contract was established, as opposed to an effort to evade procurement requirements. Include specific reasons why it is in the State's best interests to amend.

It is strongly recommended you also include other documentation to help explain the background of the project and why the amendment is necessary, such as a memo or email from the project manager or another Subject Matter Expert (SME) directly related to the project.
- Scope:** If the work changes the original scope of the contract or alters the intent of the original services, attach a clear explanation.
- Contract Clauses:** If the original contract **does not** contain a clause authorizing modification, attach an explanation.
- Extent:** If the amendment contains an important general change that alters the main purpose of the contract and/or Contains material of such individual importance as to constitute a new undertaking, explain why it should be approved.

NOTE: An amendment that changes or alters the main purpose of the contract or generally constitutes a new undertaking will receive much more scrutiny. It is likely a new solicitation is necessary, unless evidence supporting a Single Source RAP exists.
- RAP Amount:** Explain how the amount requested will be distributed during remaining duration of the contract.
If you are aware that the same amended costs will need to be added to all following terms of a contract, you will need to consider the total cost on your UAE RAP, to avoid fragmentation.
- Copies of the original contract and all contract amendment face pages and/or pages that show the value of the amendments.
- Copies of any previously approved RAPs directly related to the project.