

## 249.105

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### Subpart 249.5—Contract Termination Clauses

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### Subpart 249.70—Special Termination Requirements

- 249.7000 Terminated contracts with Canadian Commercial Corporation.
- 249.7001 Congressional notification on significant contract terminations.
- 249.7002 [Reserved]
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AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36471, July 31, 1991, unless otherwise noted.

## Subpart 249.1—General Principles

### 249.105 Duties of termination contracting officer after issuance of notice of termination.

#### 249.105-1 Termination status report.

When the contract administration office receives a termination notice, it will, under Report Control Symbol DD-AT&L(AR)1411—

- (i) Prepare a DD Form 1598, Contract Termination Status Report;
- (ii) Within 30 days, send one copy to the purchasing office and one copy to the headquarters office to which the contract administration office is directly responsible;
- (iii) Continue reporting semiannually to cover the 6 month periods ending March and September. The semiannual reports must be submitted within 30 days after the end of the reporting period; and
- (iv) Submit a final report within 30 days after closing the termination case.

[56 FR 36471, July 31, 1991, as amended at 59 FR 27674, May 27, 1994; 64 FR 51077, Sept. 21, 1999; 65 FR 39706, June 27, 2000]

#### 249.105-2 Release of excess funds.

The DD Form 1598, Contract Termination Status Report, may be used to recommend the release of excess funds. The final recommendation to release

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excess funds should include the appropriations and allocated amounts.

### 249.106 Fraud or other criminal conduct.

If the TCO suspects fraud or other criminal conduct, the TCO must report the facts in accordance with the procedures at 209.406-3 or 209.407-3.

[64 FR 62986, Nov. 18, 1999]

### 249.108 Settlement of subcontract settlement proposals.

#### 249.108-4 Authorization for subcontract settlements without approval or ratification.

(a)(1)(ii) Industrial plant equipment included in the inventory—

(1) Is subject to the screening requirements in FAR 45.608.

(2) Shall not be disposed of until screening is completed when the cost of that equipment is used in determining the amount of the claim.

### 249.109 Settlement agreements.

#### 249.109-7 Settlement by determination.

(a)(i) Use a Standard Form 30 (SF 30), Amendment of Solicitation/Modification of Contract, to settle a convenience termination by determination—

(A) When the contractor has lost its right of appeal because it failed to submit a timely settlement proposal; and

(B) To confirm the determination when the contractor does not appeal the termination contracting officer's decision.

(ii) The effective date of the SF 30 shall be the same as the date of the letter of determination. Do not assign a supplementary procurement instrument number to the letter of determination. Send a copy of the SF 30 to the contractor by certified mail return receipt requested.

### 249.110 Negotiation memorandum.

(a)(i) *Fixed price contracts.* Use the format in Table 49-1, Settlement Memorandum-Fixed Price Contracts, for the termination contracting officer's settlement memorandum for fixed price contracts terminated for the convenience of the Government. Encourage contractors and subcontractors to