

**Department of Agriculture**

**450.001**

**PART 449—TERMINATION OF CONTRACTS**

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AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.

**Subpart 449.1—General Principles**

**449.106 Fraud or other criminal conduct.**

(a) If the contracting officer suspects fraud or other criminal conduct a written report documenting the facts shall be submitted by the head of the contracting activity (HCA) to the Office of Inspector General. Copies of documents or other information connected with the suspected fraud or criminal conduct shall be provided with the report. Concurrently, a copy of the report shall also be submitted to the Senior Procurement Executive.

(b) Depending on the findings of the Office of Inspector General, the HCA may initiate suspension or debarment action as prescribed in FAR part 9.4 and part 409.4.

**449.111 Review of proposed settlements.**

Proposed settlement agreements shall be reviewed and approved in accordance with contracting activity procedures.

**Subpart 449.4—Termination for Default**

**449.402 Termination of fixed-price contracts for default.**

**449.402-3 Procedure for default.**

In addition to the requirements of FAR 49.402-3(g), the notice of termination shall contain instructions regarding the disposition of any Government property in the possession of the contractor (see FAR 45.508-1) and, in the case of construction contracts, such materials, appliances, and structures as may be on the site of the construction work. The notice shall also contain a statement concerning the liability of the contractor or its surety for any liquidated damages (see FAR 49.402-7).

**Subpart 449.5—Contract Termination Clauses**

**449.501 General.**

Use of special purpose termination clauses pursuant to the authority of FAR 49.501 shall be approved in advance by the HCA.

**PART 450—EXTRAORDINARY CONTRACTUAL ACTIONS**

Sec.

450.001 Definitions.

**Subpart 450.1 [Reserved]**

**Subpart 450.2—Delegation of and Limitations on Exercise of Authority**

450.201 Delegation of authority.

**Subpart 450.3—Contract Adjustments**

450.303 Contract adjustment.

450.303-1 Contractor requests.

AUTHORITY: 5 U.S.C. 301 and 40 U.S.C. 486(c).

SOURCE: 61 FR 53646, Oct. 15, 1996, unless otherwise noted.

**450.001 Definitions.**

*Approving authority*, as used in this part, means the Assistant Secretary for Administration.

*Secretarial level*, as used in this part means the Assistant Secretary for Administration.