

# **PART 449 - TERMINATION OF CONTRACTS**

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.

449.111 Review of proposed settlements.

## Subpart 449.4 - Termination for Default

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## Subpart 449.5 - Contract Termination Clauses

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**Parent topic:** SUBCHAPTER G - CONTRACT MANAGEMENT

## **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 9.4 and 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.