

Quick Start Card

All Content Dashboard

USER MENU
View subscription content, set default Home Page or logout.

SESSION NAVIGATOR
Move between Practice Areas.

PRACTICE AREAS
Access content grouped by category.

NEWS
Sign up for email delivery of Dailies, Newsletters, and Notifications.

TITLES A-Z
Browse or search an alphabetized list of all the titles included in your subscription.

GIVE FEEDBACK
Share your suggestions and comments.

The screenshot shows the Cheetah™ interface with a top navigation bar containing 'Home', 'ALL CONTENT', and 'Titles A-Z'. A search bar is located below the navigation. The main content area is divided into a 'PRACTICE AREAS' sidebar on the left, a central list of articles under 'WHITE PAPERS & SPECIAL REPORTS', and a 'NEED HELP?' section at the bottom right. A 'GIVE FEEDBACK' button is visible in the bottom right corner of the interface.

Quick Start Card

Practice Area Dashboard

REFINE SEARCH SCOPE
Select filters prior to your search.

HISTORY
Access documents and searches from prior research.

WORKLISTS
Organize your research findings in folders.

SEARCH TIPS
Use operators, connectors and wildcards in searches.

CITATION SEARCH
Find documents using the official citation.

CUSTOMIZE
Select which items you want to see, within each group, on your dashboard.

PRACTICE TOOLS
Quickly navigate to clear explanations, text of clauses & provisions, compliance, reporting, and flow-down requirements.

SEE ALL
View all titles available under the category.

The dashboard interface includes a top navigation bar with 'Home', 'GOVERNMENT CONTRACTS', and utility links like 'Titles A-Z', 'History', 'Worklists', 'Save Items', and 'News'. A search bar is located below the navigation. The main content area is divided into several sections: 'NEWS & BLOGS', 'BOARD OF CONTRACT APPEALS DECISIONS', 'LAWS, REGULATIONS & MANUALS', 'GOVERNMENT CONTRACTING RESOURCES', 'CASES', 'COST ACCOUNTING STANDARDS', 'PRACTICE TOOLS', 'NASH & CIBINIC E-SERIES', and 'GARRETT E-SERIES'. Each section contains a list of relevant items and a 'SEE ALL' button. A 'CITATION SEARCH' button is also present in the top right of the search area.

Quick Start Card

Search Results

RECORD KEEPING OPTIONS

Select documents to Add (Worklist or Favorites), Print, Email or Download.

SAVED ITEMS

View your saved searches, notes & highlights, and favorites.

FILTERS

Refine search results by Document type, Court, Jurisdiction and more.

COLOR-CODED RESULTS

Find document types quickly and easily.

Quick Start Card

Document View

DOCUMENT PANEL
Click each icon for additional options.

- CONTENTS**
Browse through contents in publication order.
- INFORMATION**
Source, Citations, Version, Jurisdiction.
- FOOTNOTES**
Annotations & links to cross-referenced documents.

RESULTS
Move to the previous or next document in the search results list.

CONTENTS
See the previous or next document in the table of contents.

Contract Administration: Tools, Techniques and Best Practices

novation and termination

Refine Search Scope

Highlight search terms

Results → ← Contents →

CONTENTS

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- Preface
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- Chapter 3, Opportunity and Risk Management
- Chapter 4, Contract Changes Management
- Chapter 5, Contract Financing, Payments, and Profitability
- Chapter 6, Contract Claims and Dispute Resolution
- Chapter 7, Managing Subcontracts: Challenges and Best Practices
- Chapter 8, Government Property Management: Challenges and Best Practices
- Chapter 9, Earned Value Management Systems (EVMS)
- Chapter 10, How it All Ends: Contract Terminations and Closeout

Chapter 10, How it All Ends: Contract Terminations and Closeout

Introduction

Every contract ends. Sometimes contracts end in an unexpected manner or at an unexpected time, but regardless manner, or method, every contract ends.

This chapter reviews three aspects of the last days of a contract, beginning with a discussion of the various ways that a contract can be discharged and the rights, duties, obligations, and responsibilities of all parties at cessation of a contract. After it look more specifically at the affirmative discharge of contracts via **termination** for convenience or **termination** for default when these actions may be appropriate, and the specific procedural process that must be followed. Finally, we examine the process, a step that is too often ignored or not completed properly. Unfortunately, it is an exception when contracts are terminated. Best practices dictate that the closeout process be followed to ensure that lingering issues do not grow into major problems.

Discharge

The concept of contract discharge is common to all contracts whether or not the government is a party. Contract discharge methods arise from the common law of contracts and occasionally via statute (also called civil law). One of the seemingly simple, but amazingly difficult questions to answer concerning a contract is, When is it done? Why is this question so difficult to answer? It might be due to sloppy drafting at its inception. It might be due to unexpected events arising during performance. It might be due to a failure in the inspection and acceptance process. The reasons are countless. Yet it is important for good contract administration to understand when *exactly* a contract ends.

Lawyers like to collect the various rules of law in a concise format. One of those is the *Restatement of the Law of Contracts* published by the American Law Institute. [1] According to this publication there are no less than 23 different ways to discharge a contract. The most common method is when all parties have fulfilled their obligations, goods or services have been delivered at the right quantity and quality, and the price has been paid. But this is not one way to discharge a contract. The **termination** of a contract for default or