# PART 5349 – Termination of Contracts

**2019 Edition**

*Revised: 2 May 2022*

Table of Contents

[PART 5349 – Termination of Contracts 1](#_Toc101512521)

[SUBPART 5349.1 – GENERAL PRINCIPLES 1](#_Toc101512522)

[5349.101 Authorities and Responsibilities 1](#_Toc101512523)

[5349.102 Notification of Termination 1](#_Toc101512524)

[SUBPART 5349.4 – TERMINATION FOR DEFAULT 2](#_Toc101512525)

[5349.402-3 Procedure for Default 2](#_Toc101512526)

[5349.402-6 Repurchase Against Contractor’s Account 2](#_Toc101512527)

[SUBPART 5349.5 – CONTRACT TERMINATION CLAUSES 2](#_Toc101512528)

[SUBPART 5349.70 – SPECIAL TERMINATION REQUIREMENTS 2](#_Toc101512529)

[5349.7001 Congressional Notification on Significant Contract Terminations 2](#_Toc101512530)

[5349.7003 Notification of Anticipated Terminations or Reductions 2](#_Toc101512531)

## SUBPART 5349.1 – GENERAL PRINCIPLES

### 5349.101 Authorities and Responsibilities

(b) The SCO or command-appointed termination contracting officer (TCO) must approve a termination for default or cause prior to a contracting officer taking the action. When requesting approval, the contracting officer must provide all relevant documents to include a chronology of key events, cure/show cause notices and responses thereto.

### 5349.102 Notification of Termination

See the tailorable [Termination Authority](https://usaf.dps.mil/sites/AFCC/KnowledgeCenter/contracting_templates/termination_authority.pdf) template.

## SUBPART 5349.4 – TERMINATION FOR DEFAULT

### 5349.402-3 Procedure for Default

(f) Prior to making a final decision concerning termination for default, the contracting officer must forward the termination notice and the complete contract file to [AF/JACQ](mailto:AF.JACQ.ContractLaw.FieldSupportCntr.Mbx@us.af.mil) with a copy of the termination notice to [SAF/GCR](mailto:SAF.GCR.Workflow@us.af.mil) and follow the procedures in [AFFARS 5333.291(b)](AFFARS-PART-5333.docx#p5333291).

### 5349.402-6 Repurchase Against Contractor’s Account

(c) The contracting officer must provide copies of assessments of excess reprocurement costs through the SCO to [AF/JACQ](mailto:AF.JACQ.ContractLaw.FieldSupportCntr.Mbx@us.af.mil).

## SUBPART 5349.5 – CONTRACT TERMINATION CLAUSES

**5349.501-70** **Special Termination Costs**

(a) See [MP5301.601-90](AFFARS-MP_PART-mp_5301.601-90.docx). Submit requests through the SCO to [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) for approval.

(c) The contracting officer must forward a request for SAF/FM approval through their SCO and [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil)prior to authorizing any increase in the Government's maximum liability under the clause. [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) will forward the request to [SAF/FM](mailto:SAF.FM.Workflow@us.af.mil).

## SUBPART 5349.70 – SPECIAL TERMINATION REQUIREMENTS

### 5349.7001 Congressional Notification on Significant Contract Terminations

The contracting officer must submit the proposed Congressional notification through the SCO to [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) at least five workdays before the proposed termination date. The SAF/AQC action officer will forward the information to [SAF/LLP](mailto:usaf.pentagon.saf-ll.mbx.saf-llp-workflow@mail.mil). The contracting officer must not release the termination notice until Congress has been notified (see "AFFARS-MP\_PART-mp\_5349.docx" MP5349).

### 5349.7003 Notification of Anticipated Terminations or Reductions

(b)(2)(i) The contracting officer must submit the draft notification through the SCO to [SAF/AQC](mailto:SAF.AQ.SAF-AQC.Workflow@us.af.mil) as soon as the proposed termination/reduction is known. SAF/AQC will forward the notification to SAF/AQ for signature (see HYPERLINK "mp\_5349.docx").