

Decision Tree for contract modifications

What type of procurement is it?



| PCP contract modification | PPI contract modification |
|---|--|
| <p>1. Is the modification explicitly foreseen in the tender documents or framework agreement? <i>e.g. review clauses, adaptations during the phases, selection mechanisms during phases, budget ceilings</i> YES → go to step 2. NO → high risk → likely not allowed.</p> <p>2. Is the modification applied equally and transparently to all contractors? YES → go to step 3. NO → not allowed.</p> <p>3. Does the modification substantially alter the essential provisions of the PCP? <i>e.g. changes to the nature of the R&D, scope, or balance in a way that resembles a new contract</i> YES → new procurement procedure required. NO → modification is allowed.</p> | <p>1. Does the modification render the contract materially different from the one initially rewarded? YES → go to step 2. NO → modification is allowed.</p> <p>2. Would the modification, if included initially:</p> <ul style="list-style-type: none"> - Have attracted other bidders? - Allowed a different tender to win? - Changed the economic balance in favour of the contractor? - Significantly extended the scope or duration of the contract? <p>YES to any → substantial modification → new procurement is required. NO to all → modification may be allowed</p> <p>3. Is the modification covered by a clear review clause in the contract? YES → modification allowed NO → new procurement is required</p> |