732.406-72

732.406-72 Establishing an LOC.

- (a) While the contract will provide for the use of an LOC when it is justified under subsection 732.406–71, the LOC is a separate agreement between the contractor and FM/CMP, acting on behalf of the USAID Controller. The terms and conditions of the LOC are established by FM/CMP/GIB.
- (b) In order to establish or amend an LOC, the contracting officer shall provide FM/CMP with the following information:
 - (1) The name of the Contractor:
- (2) The official USAID contract number:
- (3) The obligated amount of the contract;
- (4) The budget plan code for the obligated funds;
- (5) The effective date and estimated completion date.
- (6) The contractor Federal Tax Identification Number.

This information should be provided in writing to FM/CMP together with a request to establish or amend an LOC as early in the negotiation cycle as possible.

(c) FM/CMP will prepare the LOC in accordance with USAID's LOC procedures; issue or amend and maintain the LOC in accordance with its terms and USAID procedures and regulations; and provide the contracting officer(s) a copy of each LOC and any other material governing its use at the time the LOC is issued or when it is amended or modified.

[56 FR 67225, Dec. 30, 1991, as amended at 61 FR 39093, July 26, 1996; 64 FR 42042, Aug. 3, 1999]

732.406-73 LOC contract clause.

- (a) If payment is to be provided by LOC, the contract shall contain the clause in subsection 752.232–70.
- (b) Contracting offices shall ensure that an appropriate (48 CFR) FAR payment clause is also included in the contract, in the event that the LOC is revoked pursuant to 732.406–74.

[56 FR 67225, Dec. 30, 1991, as amended at 64 FR 5008, Feb. 2, 1999]

732.406-74 Revocation of the LOC.

If during the term of the contract FM/CMP believes that the LOC should

be revoked, FM/CMP may, after consultation with the cognizant contracting officer(s) and GC, revoke the LOC by written notification to the contractor. A copy of any such revocation notice will immediately be provided to the cognizant contracting officer(s).

PART 733—PROTESTS, DISPUTES, AND APPEALS

Subpart 733.1—Protests

Sec.

733.101 Definitions.

733.103-70 Protests to the agency.

733.103–71 Filing of protest.

733.103-72 Responsibilities.

733.103-73 Protests excluded from consideration.

Subpart 733.27—USAID Procedures for Disputes and Appeals

733.270-1 Designation of Armed Services Board of Contract Appeals (ASBCA) to hear and determine appeals under USAID contracts.

733.270-2 Special procedures regarding contract disputes appeals promulgated pursuant to paragraph 2 of the Administrator's designation.

AUTHORITY: Sec. 621. Pub. L. 87–195, 73 Stat. 445 (22 U.S.C. 2381), as amended: E.O. 12163, Sept. 29, 1979, 44 FR 56673, 3 CFR, 1979 Comp. p. 435.

Subpart 733.1—Protests

SOURCE: 61 FR 39094, July 26, 1996, unless otherwise noted.

733.101 Definitions.

- (a) All "days" referred to in this subpart are deemed to be "calendar days", in accordance with FAR 33.101. In the case of USAID overseas offices with non-Saturday/Sunday weekend schedules, the official post weekend applies in lieu of Saturday and Sunday.
- (b) All other terms defined in FAR 33.101 are used herein with the same meaning.

 $[61~{\rm FR}~39094,~{\rm July}~26,~1996,~{\rm as~amended}~{\rm at}~64~{\rm FR}~42042,~{\rm Aug.}~3,~1999]$

733.103-70 Protests to the agency.

USAID follows the agency protest procedures in FAR 33.103, as supplemented by this section.