

232.7102

Procurement and Acquisition Policy (DPAP), when the contractor's inability to perform will adversely affect national security or will result in significant additional costs to the Government. Follow the procedures at PGI 232.7101(b) for reviewing the contractor's rationale and submitting the required notification.

(c) The Director, DPAP, will promptly evaluate the contractor's rationale and will notify the IRS, the contracting officer, and the payment office, as appropriate, in accordance with the procedures at PGI 232.7101(c).

(d) The contracting officer shall then notify the contractor in accordance with paragraph (c) of the clause at 252.232-7010 and in accordance with the procedures at PGI 232.7101(d).

[71 FR 69492, Dec. 1, 2006]

232.7102 Contract clause.

Use the clause at 252.232-7010, Levies on Contract Payments, in all solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items.

[71 FR 69492, Dec. 1, 2006, as amended at 78 FR 37989, June 25, 2013]

PART 233—PROTESTS, DISPUTES, AND APPEALS

Subpart 233.1—Protests

Sec.

233.170 Briefing requirement for protested acquisitions valued at \$1 billion or more.

Subpart 233.2—Disputes and Appeals

233.204-70 Limitations on payment.

233.210 Contracting officer's authority.

233.215 Contract clause.

233.215-70 Additional contract clause.

AUTHORITY: 41 U.S.C. 1303 and 48 CFR chapter 1.

SOURCE: 56 FR 36416, July 31, 1991, unless otherwise noted.

48 CFR Ch. 2 (10-1-13 Edition)

Subpart 233.1—Protests

233.170 Briefing requirement for protested acquisitions valued at \$1 billion or more.

Follow the procedures at PGI 233.170 for briefing protested acquisitions valued at \$1 billion or more.

[76 FR 3537, Jan. 20, 2011]

Subpart 233.2—Disputes and Appeals

233.204-70 Limitations on payment.

See 10 U.S.C. 2410(b) for limitations on Congressionally directed payment of a claim under 41 U.S.C. chapter 71 (Contract Disputes), a request for equitable adjustment to contract terms, or a request for relief under Pub. L. 85-804.

[63 FR 11537, Mar. 9, 1998, as amended at 77 FR 35881, June 15, 2012]

233.210 Contracting officer's authority.

See PGI 233.210 for guidance on reviewing a contractor's claim.

[72 FR 6485, Feb. 12, 2007]

233.215 Contract clause.

Use Alternate I of the clause at FAR 52.233-1, Disputes, when—

(1) The acquisition is for—

- (i) Aircraft
- (ii) Spacecraft and launch vehicles
- (iii) Naval vessels
- (iv) Missile systems
- (v) Tracked combat vehicles
- (vi) Related electronic systems;

(2) The contracting officer determines that continued performance is—
(i) Vital to the national security, or
(ii) Vital to the public health and welfare; or

(3) The head of the contracting activity determines that continued performance is necessary pending resolution of any claim that might arise under or be related to the contract.

[56 FR 36416, July 31, 1991. Redesignated at 62 FR 34126, June 24, 1997]

233.215-70 Additional contract clause.

Use the clause at 252.233-7001, Choice of Law (Overseas), in solicitations and contracts when contract performance