

232.7102

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]

SUBPART 232.72—Payment in local currency (Afghanistan)

SOURCE: 79 FR 58695, Sept. 30, 2014, unless otherwise noted.

232.7200 Scope of subpart.

This subpart prescribes policies and procedures concerning the payment of contracts for performance in Afghanistan.

232.7201 Policy and procedures.

Payment currency used for contracts performed in Afghanistan shall be dependent on the nationality of the vendor pursuant to the authority of USCENTCOM Fragmentary Orders (FRAGOs) 09-1567 and 10-143. If the contract is awarded to a host nation vendor (Afghan), the contractor will be paid in Afghan (local currency) via electronic funds transfer to a local (Afghan) banking institution. Contracts shall not be awarded to host nation vendors who do not bank locally. If awarded to other than a host nation vendor, the contract will be awarded in U.S. dollars.

232.7202 Solicitation provision.

Use the provision at 252.232-7014, Notification of Payment in Local Currency (Afghanistan), in all solicitations, including solicitations using FAR part 12 procedures for the acquisition of commercial items, for performance in Afghanistan.

PART 233—PROTESTS, DISPUTES, AND APPEALS

Subpart 233.1—Protests

Sec.

233.102 General.

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

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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.

Subpart 233.1—Protests

233.102 General.

If the Government exercises the authority provided in 239.7305(d) to limit disclosure of information, no action undertaken by the Government under such authority shall be subject to review in a bid protest before the Government Accountability Office or in any Federal court (see subpart 239.73).

[78 FR 69271, Nov. 18, 2013]

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

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- (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 will be outside the United States and its outlying areas, unless otherwise provided for in a government-to-government agreement.

[70 FR 35545, June 21, 2005]