

percentage withheld on interim cost vouchers to the percentage initially withheld, until the contracting officer determines that the contractor has corrected all significant deficiencies as directed by the contracting officer's final determination.

(e) For sample formats for written notifications of contracting officer determinations to initiate payment withholding, reduce payment withholding, and discontinue payment withholding in accordance with the clause at DFARS 252.242-7005, Contractor Business Systems, see PGI 242.7000.

[76 FR 28868, May 18, 2011, as amended at 77 FR 11365, Feb. 24, 2012]

**242.7001 Contract clause.**

Use the clause at 252.242-7005, Contractor Business Systems, in solicitations and contracts (other than in contracts with educational institutions, Federally Funded Research and Development Centers (FFRDCs), or University Associated Research Centers (UARCs) operated by educational institutions) when—

(a) The resulting contract will be a covered contract as defined in 242.7000(a); and

(b) The solicitation or contract includes any of the following clauses:

- (1) 252.215-7002, Cost Estimating System Requirements.
- (2) 252.234-7002, Earned Value Management System.
- (3) 252.242-7004, Material Management and Accounting System.
- (4) 252.242-7006, Accounting System Administration.
- (5) 252.244-7001, Contractor Purchasing System Administration.
- (6) 252.245-7003, Contractor Property Management System Administration.

[76 FR 28868, May 18, 2011, as amended at 77 FR 11366, Feb. 24, 2012]

**Subpart 242.71—Voluntary Refunds**

**242.7100 General.**

A voluntary refund is a payment or credit (adjustment under one or more contracts or subcontracts) to the Government from a contractor or subcontractor that is not required by any contractual or other legal obligation. Fol-

low the procedures at PGI 242.7100 for voluntary refunds.

[70 FR 67920, Nov. 9, 2005]

**Subpart 242.72—Contractor Material Management and Accounting System**

SOURCE: 65 FR 77833, Dec. 13, 2000, unless otherwise noted.

**242.7200 Scope of subpart.**

(a) This subpart provides policies, procedures, and standards for use in the evaluation of a contractor's material management and accounting system (MMAS).

(b) The policies, procedures, and standards in this subpart—

(1) Apply only when the contractor has contracts exceeding the simplified acquisition threshold that are not for the acquisition of commercial items and are either—

- (i) Cost-reimbursement contracts; or
- (ii) Fixed-price contracts with progress payments made on the basis of costs incurred by the contractor as work progresses under the contract; and

(2) Do not apply to small businesses, educational institutions, or nonprofit organizations.

**242.7201 Definitions.**

*Acceptable material management and accounting system, material management and accounting system, and valid time-phased requirements* are defined in the clause at 252.242-7004, Material Management and Accounting System.

*Significant deficiency* is defined in the clause at 252.242.7004, Material Management and Accounting System.

[76 FR 28869, May 18, 2011]

**242.7202 Policy.**

(a) DoD policy is for its contractors to have an MMAS that conforms to the standards in paragraph (e) of the clause at 252.242-7004, Material Management and Accounting System, so that the system—

- (1) Reasonably forecasts material requirements;