

(c) If the costs were incurred in a fairly uniform expenditure pattern throughout the construction, fabrication, or development period, the contractor may either:

(1) Determine a representative investment for the cost accounting period by averaging the beginning and ending balances of the construction, fabrication, or development cost account for the cost accounting period; or

(2) Treat month-end balances as individual representative investments.

(d) The method chosen by the contractor to determine the representative investment amount may be different for each capital asset being constructed, fabricated, or developed, provided the method fits the expenditure pattern of the costs incurred.

1830.7002-4 Determining imputed cost of money.

(a) Determine the imputed cost of money for an asset under construction, fabrication, or development by applying a cost of money rate (see 1830.7002-2) to the representative investment (see 1830.7002-3).

(1) When a representative investment is determined for a cost accounting period in accordance with 1830.7002-3(b)(1) or 1830.7002-3(c)(1), the cost of money rate shall be the time-weighted average rate.

(2) When a monthly representative investment is used in accordance with 1830.7002-3(b)(2) or 1830.7002-3(c)(2), the cost of money rate shall be that in effect each month. Under this method, the FCCOM is determined monthly, and the total for the cost accounting period is the sum of the monthly calculations.

(b) The imputed cost of money will be capitalized only once in any cost accounting period, either at the end of the accounting period or the end of the construction, fabrication, or development period, whichever comes first.

(c) When the construction, fabrication, or development of an asset takes more than one accounting period, the cost of money capitalized for the first accounting period will be included in determining the representative investment for any future cost accounting periods.

PART 1831—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 1831.2—Contracts With Commercial Organizations

Sec.

1831.205 Selected costs.

1831.205-70 Contract clause.

1831.205-671 [Reserved]

AUTHORITY: 51 U.S.C. 20113(a) and 48 CFR chapter 1.

SOURCE: 61 FR 55768, Oct. 29, 1996, unless otherwise noted.

Subpart 1831.2—Contracts with Commercial Organizations

1831.205 Selected costs.

1831.205-70 Contract clause.

The contracting officer must insert the clause at 1852.231-70, Precontract Costs, in contracts for which specific coverage of precontract costs is authorized.

[61 FR 55768, Oct. 29, 1996, as amended at 65 FR 46628, July 31, 2000; 69 FR 35271, June 24, 2004]

EDITORIAL NOTE: At 85 FR 52927, Aug. 27, 2020, 1831.205-70 was amended; however, the amendment could not be incorporated due to inaccurate amendatory instruction.

1831.205-671 [Reserved]

PART 1832—CONTRACT FINANCING

Subpart 1832.1—Financing for Other Than a Commercial Purchase

Sec.

1832.111 Contractor clauses for other than commercial purchases.

1832.111-70 NASA contract clause.

Subpart 1832.2—Commercial Product and Commercial Service Purchase Financing

1832.202-1 Policy.

1832.206 Solicitation provisions and contract clauses.

Subpart 1832.4—Advance Payments for Other Than Commercial Products and Commercial Services

1832.412 Contract clause.

1832.412-70 NASA Contract clauses.

1832.111

Subpart 1832.5—Progress Payments Based on Costs

- 1832.501 General.
- 1832.501-1 Customary progress payment rates.
- 1832.502-4 Contract clauses.
- 1832.502-470 NASA contract clause.

Subpart 1832.7—Contract Funding

- 1832.705 Contract clauses.
- 1832.705-2 Clauses for limitation of cost or funds.
- 1832.705-270 NASA clauses for limitation of cost or funds.

Subpart 1832.9—Prompt Payment

- 1832.908 Contract clauses.
- 1832.908-70 Submission of vouchers/invoices.

Subpart 1832.10—Performance-Based Payments

- 1832.1005 Contract clauses.
- 1832.1009 Title.

Subpart 1832.11—Electronic Funds Transfer

- 1832.1110 Solicitation provision and contract clauses.

AUTHORITY: 51 U.S.C. 20113(a) and 48 CFR chapter 1.

SOURCE: 61 FR 55768, Oct. 29, 1996, unless otherwise noted.

Subpart 1832.1—Financing for Other Than a Commercial Purchase

1832.111 Contractor clauses for other than commercial purchases.

1832.111-70 NASA contract clause.

The contracting officer shall insert the clause at 1852.232-79, Payment for On-Site Preparatory Costs, in solicitations and contracts for construction on a fixed-price basis when progress payments are contemplated and pro rata payment of on-site preparatory costs to the contractor is appropriate.

48 CFR Ch. 18 (10-1-25 Edition)

Subpart 1832.2—Commercial Product and Commercial Service Purchase Financing

1832.202-1 Policy. (NASA supplements paragraph (b))

(b)(6) Advance payment limitations do not apply to expendable launch vehicle (ELV) service contracts.

[61 FR 55768, Oct. 29, 1996, as amended at 69 FR 35271, June 24, 2004]

1832.206 Solicitation provisions and contract clauses. (NASA supplements paragraph (g))

(g)(2) The installment payment rate shall be that which is common in the commercial marketplace for the purchased item. If there is no commonly used rate, the contracting officer shall determine the appropriate rate. In no case shall the rate exceed that established in the clause at FAR 52.232-30.

Subpart 1832.4—Advance Payments for Other Than Commercial Products and Commercial Services

1832.412 Contract clause. (NASA supplement paragraphs (e) and (f))

(e) The contracting officer shall use Alternates IV and V when advance payments are provided on Phase I contracts of the Small Business Innovation Research (SBIR) or Small Business Technology Transfer (STTR) programs.

(f) See 1832.412(e).

[63 FR 14040, Mar. 24, 1998]

1832.412-70 NASA Contract clauses.

When the clause at FAR 52.232-12 or its Alternates II or V are used, insert the clause at 1852.232-70, NASA Modification of FAR 52.232-12.

[63 FR 14040, Mar. 24, 1998]

Natl. Aeronautics and Space Admin.

1832.1009

Subpart 1832.5—Progress Payments Based on Costs

1832.501 General.

1832.501-1 Customary progress payment rates. (NASA supplements paragraph (a))

(a) The customary progress payment rate for all NASA contracts is 85 percent for large business, 90 percent for small business, 95 percent for small disadvantaged business, and 100 percent for Phase II contracts in the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs. The contracting officer shall insert the applicable percentage in paragraphs (a) and (b) of the clause at FAR 52.232-16.

1832.502-4 Contract clauses.

1832.502-470 NASA contract clause.

The contracting officer may insert a clause substantially as stated at 1852.232-82, Submission of Requests for Progress Payments, in fixed-price solicitations and contracts that provide for progress payments. The recipient of the requests and number of copies may be changed as required.

Subpart 1832.7—Contract Funding

1832.705 Contract clauses.

1832.705-2 Clauses for limitation of cost or funds.

1832.705-270 NASA clauses for limitation of cost or funds.

(a) The contracting officer shall insert the clause at 1852.232-77, Limitation of Funds (Fixed-Price Contract), in solicitations and contracts for fixed-price, incrementally-funded contracts or task orders.

(b) The contracting officer shall insert a clause substantially as stated at 1852.232-81, Contract Funding, in Section B of solicitations and contracts containing the clause at FAR 52.232-22, Limitation of Funds. Insert the amounts of funds available for payment, the items covered, and the applicable period of performance. The amount obligated for fee in paragraph (b) of the clause should always be sufficient to pay fee anticipated to be

earned for the work funded by the amount in paragraph (a) of the clause.

[61 FR 55768, Oct. 29, 1996, as amended at 80 FR 12944, Mar. 12, 2015]

Subpart 1832.9—Prompt Payment

SOURCE: 81 FR 63145, Sept. 14, 2016, unless otherwise noted.

1832.908 Contract clauses.

(c)(2) When the clause at FAR 52.232-25, Prompt Payment, is used in such contracts with the Canadian Commercial Corporation (CCC), insert “17th” in lieu of “30th” in paragraphs (a)(1)(i)(A) and (B) and (a)(1)(ii).

[81 FR 63145, Sept. 14, 2016, as amended at 81 FR 71638, Oct. 18, 2016]

1832.908-70 Submission of vouchers/invoices.

Insert clause 1852.232-80, Submission of Vouchers/Invoices for Payment, in all solicitations and contracts.

[83 FR 13115, Mar. 27, 2018]

Subpart 1832.10—Performance-Based Payments

1832.1005 Contract clauses. (NASA supplements paragraph (a))

(a) If the contract is for launch services, the contracting officer shall delete paragraph (f) of the clause at FAR 52.232-32 in accordance with 1832.1009.

[61 FR 55768, Oct. 29, 1996, as amended at 65 FR 31103, May 16, 2000; 69 FR 35271, June 24, 2004]

1832.1009 Title.

In accordance with 42 U.S.C. 2465d, NASA shall not take title to launch vehicles under contracts for launch services unless one of the exceptions in the law applies. However, the law does not eliminate NASA’s right to take title to other property acquired or produced by the contractor under a contract containing a title provision.

1832.1110

48 CFR Ch. 18 (10–1–25 Edition)

Subpart 1832.11—Electronic Funds Transfer

1832.1110 Solicitation provision and contract clauses. (NASA supplements paragraphs (a), (b), and (c)).

(a) [Reserved]

(b) In accordance with FAR 32.1106(b), the use of a nondomestic EFT mechanism is authorized. When a nondomestic EFT mechanism is used, the contracting officer shall replace the paragraph at FAR 52.232–34(c) with a description of the EFT mechanism that will be used for the contract.

[64 FR 18373, Apr. 14, 1999, as amended at 69 FR 35271, June 24, 2004; 80 FR 12944, Mar. 12, 2015]

PART 1833—PROTESTS, DISPUTES, AND APPEALS

Subpart 1833.1—Protests

Sec.

1833.103 Protests to the agency.
1833.106–70 Solicitation provision.

Subpart 1833.2—Disputes and Appeals

1833.215 Contract clause.

AUTHORITY: 51 U.S.C. 20113(a) and 48 CFR chapter 1.

SOURCE: 61 FR 55771, Oct. 29, 1996, unless otherwise noted.

Subpart 1833.1—Protests

1833.103 Protests to the agency.

(d)(4) The provision at 1852.233–70 provides for an alternative to a protest to the United States Government Accountability Office (GAO). This alternative gives bidders or offerors the ability to protest directly to the contracting officer (CO) or to request an independent review by the Assistant Administrator for Procurement (or designee). The Agency review shall be deemed to be at the CO level when the request is silent as to the level of review desired. The Agency review shall be deemed to be at the level of the As-

sistant Administrator for Procurement (or designee) when the request specifies a level above the CO, even if the request does not specifically request an independent review by the Assistant Administrator for Procurement. Such reviews are separate and distinct from the Ombudsman Program described at 1815.7001.

(e) NASA shall summarily dismiss and take no further action upon any protest to the Agency if the substance of the protest is pending in judicial proceedings or the protester has filed a protest on the same acquisition with the GAO prior to receipt of an Agency protest decision.

(4) When a bidder or offeror submits an Agency protest to the CO or alternatively requests an independent review by the Assistant Administrator for Procurement, the decision of the CO or the Assistant Administrator for Procurement shall be final and is not subject to any appeal or reconsideration within NASA.

[80 FR 36721, June 26, 2015]

1833.106–70 Solicitation provision.

The contracting officer shall insert the provision at 1852.233–70 in all solicitations.

[62 FR 11108, Mar. 11, 1997, as amended at 80 FR 36722, June 26, 2015]

Subpart 1833.2—Disputes and Appeals

1833.215 Contract clause.

The contracting officer shall use the clause at FAR 52.233–1, Disputes, with its Alternate I whenever continued performance is vital to national security, the public health and welfare, important Agency programs, or other essential supplies or services whose timely procurement from other sources would be impracticable.

[61 FR 55771, Oct. 29, 1996, as amended at 80 FR 36722, June 26, 2015]