

32.104 Providing contract financing.

(a) Prudent contract financing can be a useful working tool in Government *acquisition* by expediting the performance of essential contracts. *Contracting officers must* consider the criteria in this part in determining whether to include contract financing in *solicitations* and contracts. Resolve reasonable doubts by including contract financing in the *solicitation*. The *contracting officer must*-

- (1) Provide Government financing only to the extent actually needed for prompt and efficient performance, considering the availability of private financing and the probable impact on working capital of the predelivery expenditures and production lead-times associated with the contract, or groups of contracts or orders (*e.g.*, issued under indefinite-delivery contracts, basic ordering agreements, or their equivalent);
- (2) Administer contract financing so as to aid, not impede, the *acquisition*;
- (3) Avoid any undue risk of monetary loss to the Government through the financing;
- (4) Include the form of contract financing deemed to be in the Government's best interest in the *solicitation* (see [32.106](#) and [32.113](#)); and
- (5) Monitor the contractor's use of the contract financing provided and the contractor's financial status.

(b) If the contractor is a small business concern, the *contracting officer must* give special attention to meeting the contractor's contract financing need. However, a contractor's receipt of a certificate of competency from the Small Business Administration has no bearing on the contractor's need for or entitlement to contract financing.

(c) Subject to specific agency regulations and paragraph (d) of this section, the *contracting officer*-

- (1) *May* provide *customary contract financing* in accordance with [32.113](#); and
- (2) *Must* not provide *unusual contract financing* except as authorized in [32.114](#).

(d) Unless otherwise authorized by agency procedures, the *contracting officer may* provide contract financing in the form of performance-based payments (see [subpart 32.10](#)) or customary progress payments (see [subpart 32.5](#)) if the following conditions are met:

(1) The contractor-

(i) Will not be able to bill for the first delivery of *products* for a substantial time after work *must* begin (normally 4 months or more for small business concerns, and 6 months or more for others), and will make expenditures for contract performance during the predelivery period that have a significant impact on the contractor's working capital; or

(ii) Demonstrates actual financial need or the unavailability of private financing.

(2) If the contractor is not a small business concern-

(i) For an individual contract, the contract price is \$3.5 million or more; or

(ii) For an indefinite-delivery contract, a basic ordering agreement or a similar ordering instrument,

the *contracting officer* expects the aggregate value of orders or contracts that individually exceed the *simplified acquisition threshold* to have a total value of \$3.5 million or more. The *contracting officer* must limit financing to those orders or contracts that exceed the *simplified acquisition threshold*.

(3) If the contractor is a small business concern-

(i) For an individual contract, the contract price exceeds the *simplified acquisition threshold*; or

(ii) For an indefinite-delivery contract, a basic ordering agreement or a similar ordering instrument, the *contracting officer* expects the aggregate value of orders or contracts to exceed the *simplified acquisition threshold*.

Parent topic: [Subpart 32.1 - Financing for Other Than a Commercial Purchase](#)