52.216-9 Fixed Fee-Construction.

As prescribed in 16.307(c), insert the following clause:

Fixed Fee-*Construction* (Jun 2011)

(a) The Government *shall* pay to the Contractor for performing this contract the fixed fee specified in the Schedule.

(b) Payment of the fixed fee *shall* be made in installments based upon the percentage of completion of the work as determined from estimates submitted to and approved by the *Contracting Officer*, but subject to the withholding provisions of paragraph (c) of this section.

(c) The *Contracting Officer shall* withhold a reserve not to exceed 15 percent of the total fixed fee or $100,000, whichever is less, to protect the Government's interest. The *Contracting Officer shall* release 75 percent of all fee withholds under this contract after receipt of an adequate certified *final indirect cost rate* proposal covering the year of physical completion of this contract, provided the Contractor has satisfied all other contract terms and conditions, including the submission of the final patent and royalty reports, and is not delinquent in submitting final vouchers on prior years' settlements. The *Contracting Officer may* release up to 90 percent of the fee withholds under this contract based on the Contractor's *past performance* related to the submission and settlement of *final indirect cost rate* proposals.

(End of clause)

Parent topic: 52.216 [Reserved]