22.103-4 Approvals.

(a) The *contracting officer shall* review the *contractor*'s request for *overtime*. Approval of the use of *overtime may* be granted by an agency approving official after determining *in writing* that *overtime* is necessary to-

(1) Meet essential delivery or performance schedules;

(2) Make up for delays beyond the control and without the fault or negligence of the *contractor*; or

(3) Eliminate foreseeable extended production bottlenecks that cannot be eliminated in any other way.

(b) Approval by the designated official of use and total dollar amount of *overtime* is required before inclusion of an amount in paragraph (a) of the clause at 52.222-2, Payment for *Overtime Premiums*.

(c) *Contracting officer* approval of payment of *overtime premiums* is required for time-and-materials and labor-hour contracts (see paragraph (a)(8) of the clause at 52.232-7, Payments Under Time-and-Materials and Labor-Hour Contracts).

(d) No approvals are required for paying *overtime premiums* under other types of contracts.

(e) Approvals by the agency approving official (see 22.103-4(a)) *may* be for an individual contract, project, program, plant, division, or company, as practical.

(f) During contract performance, *contractor* requests for *overtime* exceeding the amount authorized by paragraph (a) of the clause at 52.222-2, Payment for *Overtime Premiums*, *shall* be submitted as stated in paragraph (b) of the clause to the office administering the contract. That office will review the request and if it approves, send the request to the *contracting officer*. If the *contracting officer* determines that the requested *overtime should* be approved in whole or in part, the *contracting officer shall* request the approval of the agency's designated approving official and modify paragraph (a) of the clause to reflect any approval.

(g) *Overtime premiums* at Government expense *should* not be approved when the *contractor* is already obligated, without the right to additional compensation, to meet the required delivery date.

(h) When the use of *overtime* is authorized under a contract, the office administering the contract and the auditor *should* periodically review the use of *overtime* to ensure that it is allowable in accordance with the criteria in part 31. Only *overtime premiums* for work in those departments, sections, etc., of the *contractor*'s plant that have been individually evaluated and the necessity for *overtime* confirmed *shall* be considered for approval.

(i) Approvals for using *overtime shall* ordinarily be prospective, but, if justified by *emergency* circumstances, approvals *may* be retroactive.

Parent topic: 22.103 Overtime.