32.908 Contract clauses.

(a) Insert the clause at 52.232-26, Prompt Payment for Fixed-Price Architect-Engineer Contracts, in *solicitations* and contracts that contain the clause at 52.232-10, Payments Under Fixed-Price Architect-Engineer Contracts.

(1) As authorized in 32.904(c)(2), the *contracting officer may* modify the date in paragraph (a)(4)(i) of the clause to specify a period longer than 7 days for constructive acceptance or constructive approval, if required to afford the Government a practicable opportunity to inspect and test the *supplies* furnished or evaluate the services performed.

(2) As provided in 32.903, agency policies and procedures *may* authorize amendment of paragraphs (a)(1)(i) and (ii) of the clause to insert a period shorter than 30 days (but not less than 7 days) for making contract *invoice payments*.

(b) Insert the clause at 52.232-27, Prompt Payment for *Construction* Contracts, in all *solicitations* and contracts for *construction* (see part 36).

(1) As authorized in 32.904(d)(1)(i)(B), the *contracting officer may* modify the date in paragraph (a)(1)(i)(A) of the clause to specify a period longer than 14 days if required to afford the Government a reasonable opportunity to adequately inspect the work and to determine the adequacy of the Contractor's performance under the contract.

(2) As authorized in 32.904(d)(2)(iv), the *contracting officer may* modify the date in paragraph (a)(4)(i) of the clause to specify a period longer than 7 days for constructive acceptance or constructive approval if required to afford the Government a reasonable opportunity to inspect and test the *supplies* furnished or evaluate the services performed.

(c) Insert the clause at 52.232-25, Prompt Payment, in all other *solicitations* and contracts, except when the clause at 52.212-4, Contract Terms and Conditions-*Commercial Products* and *Commercial Services*, applies, or when payment terms and late payment penalties are established by other governmental authority (*e.g.,* tariffs).

(1) As authorized in 32.904(b)(1)(ii)(B)(4), the *contracting officer may* modify the date in paragraph (a)(5)(i) of the clause to specify a period longer than 7 days for constructive acceptance, if required to afford the Government a reasonable opportunity to inspect and test the *supplies* furnished or to evaluate the services performed, except in the case of a contract for the purchase of a *commercial product* or *commercial service*, including a brand-name *commercial product* for authorized resale (*e.g.,* commissary items).

(2) As provided in 32.903, agency policies and procedures *may* authorize amendment of paragraphs (a)(1)(i) and (ii) of the clause to insert a period shorter than 30 days (but not less than 7 days) for making contract *invoice payments*.

(3) If the contract is a cost-reimbursement contract for services, use the clause with its *Alternate* I.

Parent topic: Subpart 32.9 - Prompt Payment