32.1110 Solicitation provision and contract clauses.

(a) The *contracting officer shall* insert the clause at-

(1) 52.232-33, Payment by *Electronic Funds Transfer-System for Award Management*, in *solicitations* and contracts that include the provision at 52.204-7 *System for Award Management*, or an agency clause that requires a contractor to be registered in SAM and maintain registration until final payment, unless–

(i) Payment will be made through a third party arrangement (see 13.301 and paragraph (d) of this section); or

(ii) An exception listed in 32.1103(a) through (i) applies.

(2)

(i) 52.232-34, Payment by *Electronic Funds Transfer*-Other than *System for Award Management*, in *solicitations* and contracts that require EFT as the method for payment but do not include the provision at 52.204-7, *System for Award Management*, or a similar agency clause that requires the contractor to be registered in the SAM.

(ii)

(A) If permitted by agency procedures, the *contracting officer may* insert in paragraph (b)(1) of the clause, a particular time after award, such as a fixed number of days, or event such as the submission of the first request for payment.

(B) If no agency procedures are prescribed, the time period inserted in paragraph (b)(1) of the clause *shall* be "no later than 15 days prior to submission of the first request for payment."

(b) If the *head of the agency* has authorized, in accordance with 32.1106, to use a nondomestic EFT mechanism, the *contracting officer shall* insert in *solicitations* and contracts a clause substantially the same as 52.232-33 or 52.232-34 that clearly addresses the nondomestic EFT mechanism.

(c) If EFT information is to be submitted to other than the payment office in accordance with agency procedures, the *contracting officer shall* insert in *solicitations* and contracts the clause at 52.232-35, Designation of Office for Government Receipt of *Electronic Funds Transfer Information*, or a clause substantially the same as 52.232-35 that clearly informs the contractor where to send the EFT information.

(d) If payment under a written contract will be made by a charge to a Government account with a third party such as a *Governmentwide commercial purchase card*, then the *contracting officer shall* insert the clause at 52.232-36, Payment by Third Party, in *solicitations* and contracts. Payment by a purchase card *may* also be made under a contract that does not contain the clause at 52.232-36, to the extent the contractor agrees to accept that method of payment. When the clause at 52.232-36 is included in a *solicitation* or contract, the *contracting officer shall* also insert the clause at 52.232-33, Payment by *Electronic Funds Transfer-System for Award Management*, or 52.232-34, Payment by

Electronic Funds Transfer-Other Than *System for Award Management*, as appropriate.

(e) If the contract or agreement provides for the use of *delivery orders*, and provides that the ordering office designate the method of payment for individual orders, the *contracting officer shall* insert, in the *solicitation* and contract or agreement, the clause at 52.232-37, Multiple Payment Arrangements, and, to the extent they are applicable, the clauses at-

(1) 52.232-33, Payment by *Electronic Funds Transfer-System for Award Management*;

(2) 52.232-34, Payment by *Electronic Funds Transfer*-Other than *System for Award Management*; and

(3) 52.232-36, Payment by Third Party.

(f) If more than one disbursing office will make payment under a contract or agreement, the *contracting officer*, or ordering office (if the contract provides for choices between EFT clauses on individual orders or classes of orders), *shall* include or identify the EFT clause appropriate for each office and *shall* identify the applicability by disbursing office and *line item*.

(g) If the *solicitation* contains the clause at 52.232-34, Payment by *Electronic Funds Transfer*-Other than *System for Award Management*, and an *offeror* is required to submit EFT information prior to award-

(1) The *contracting officer shall* insert in the *solicitation* the provision at 52.232-38, Submission of *Electronic Funds Transfer Information* with *Offer*, or a provision substantially the same; and

(2) For sealed bid *solicitations*, the *contracting officer shall* amend 52.232-38 to ensure that a bidder’s EFT information-

(i) Is not a part of the bid to be opened at the public opening; and

(ii) *May* not be released to members of the general public who request a copy of the bid.

Parent topic: Subpart 32.11 - Electronic Funds Transfer