

252.236-7002

48 CFR Ch. 2 (10-1-02 Edition)

Title File Drawing No.

(End of Clause)

[65 FR 50152, Aug. 17, 2000]

252.236-7002 Obstruction of navigable waterways.

As prescribed in 236.570(b)(1), use the following clause:

OBSTRUCTION OF NAVIGABLE WATERWAYS
(DEC 1991)

- (a) The Contractor shall—
 - (1) Promptly recover and remove any material, plant, machinery, or appliance which the contractor loses, dumps, throws overboard, sinks, or misplaces, and which, in the opinion of the Contracting Officer, may be dangerous to or obstruct navigation;
 - (2) Give immediate notice, with description and locations of any such obstructions, to the Contracting Officer; and
 - (3) When required by the Contracting Officer, mark or buoy such obstructions until the same are removed.
- (b) The Contracting Officer may—
 - (1) Remove the obstructions by contract or otherwise should the Contractor refuse, neglect, or delay compliance with paragraph (a) of this clause; and
 - (2) Deduct the cost of removal from any monies due or to become due to the Contractor; or
 - (3) Recover the cost of removal under the Contractor's bond.
- (c) The Contractor's liability for the removal of a vessel wrecked or sunk without fault or negligence is limited to that provided in sections 15, 19, and 20 of the River and Harbor Act of March 3, 1899 (33 U.S.C. 410 *et seq.*).

(End of clause)

252.236-7003 Payment for mobilization and preparatory work.

As prescribed in 236.570(b)(2), use the following clause:

PAYMENT FOR MOBILIZATION AND
PREPARATORY WORK (JAN 1997)

- (a) The Government will make payment to the Contractor under the procedures in this clause for mobilization and preparatory work under item no. _____.
- (b) Payments will be made for actual payments by the Contractor on work preparatory to commencing actual work on the construction items for which payment is provided under the terms of this contract, as follows—
 - (1) For construction plant and equipment exceeding \$25,000 in value per unit (as appraised by the Contracting Officer at the

work site) acquired for the execution of the work;

- (2) Transportation of all plant and equipment to the site;
- (3) Material purchased for the prosecution of the contract, but not to be incorporated in the work;
- (4) Construction of access roads or railroads, camps, trailer courts, mess halls, dormitories or living quarters, field headquarters facilities, and construction yards;
- (5) Personal services; and
- (6) Hire of plant.
- (c) Requests for payment must include—
 - (1) An account of the Contractor's actual expenditures;
 - (2) Supporting documentation, including receipted bills or copies of payrolls and freight bills; and
 - (3) The Contractor's documentation—
 - (i) Showing that it has acquired the construction plant, equipment, and material free from all encumbrances;
 - (ii) Agreeing that the construction plant, equipment, and material will not be removed from the site without the written permission of the Contracting Officer; and
 - (iii) Agreeing that structures and facilities prepared or erected for the prosecution of the contract work will be maintained and not dismantled prior to the completion and acceptance of the entire work, without the written permission of the Contracting Officer.
 - (d) Upon receiving a request for payment, the Government will make payment, less any prescribed retained percentage, if—
 - (1) The Contracting Officer finds the—
 - (i) Construction plant, material, equipment, and the mobilization and preparatory work performed are suitable and necessary to the efficient prosecution of the contract; and
 - (ii) Preparatory work has been done with proper economy and efficiency.
 - (2) Payments for construction plant, equipment, material, and structures and facilities prepared or erected for prosecution of the contract work do not exceed—
 - (i) The Contractor's cost for the work performed less the estimated value upon completion of the contract; and
 - (ii) 100 percent of the cost to the contractor of any items having no appreciable salvage value; and
 - (iii) 75 percent of the cost to the contractor of items which do have an appreciable salvage value.
 - (e) (1) Payments will continue to be made for item no. _____, and all payments will be deducted from the contract price for this item, until the total deductions reduce this item to zero, after which no further payments will be made under this item.
 - (2) If the total of payments so made does not reduce this item to zero, the balance will