532.905-70

- (ii) The contract includes FAR 52.232–33, Mandatory Information for Electronic Funds Transfer Payment.
- (2) The 10 day payment terms apply to each order that meets all the following conditions:
- (i) FSS places the order using EDI in accordance with the Trading Partner Agreement.
- (ii) The contractor submits EDI invoices in accordance with the Trading Partner Agreement or invoices through the GSA Finance Center Internet-based invoice process.
- (iii) A GSA Finance Center pays the invoices using EFT.
- (3) The 10 day payment terms do not apply to any order:
- (i) Placed by a GSA contracting activity other than FSS.
- (ii) Placed by or paid by another agency.

532.905-70 Certification of payment to subcontractors and suppliers under fixed-price construction contracts.

The contractor may use GSA Form 2419, Certification of Progress Payments Under Fixed-Price Construction Contracts, for the certification required by FAR 52.232-5.

532.905-71 Final payment—construction and building service contracts.

The following procedures apply to construction and building service contracts.

- (a) Do not process the final payment on construction or building service contracts until the contractor submits a properly executed GSA Form 1142, Release of Claims. If, after repeated attempts, you are unable to obtain a release of claims from the contractor, you may process the final payment with the approval of assigned legal counsel.
- (b) The amount of final payment must include, as appropriate, deductions to cover any of the following:
- (1) Liquidated damages for late completion.
- (2) Liquidated damages for labor violations.
- (3) Amounts withheld for improper payment of labor wages.
- (4) The amount of unilateral change orders covering defects and omissions.

532.908 Contract clauses.

- (a) Federal Supply Service. For FSS Stock, Special Order, and Schedules solicitations and contracts that provide payment in 10 days under 532.905(c):
- (1) If the contract will include FAR 52.212-4 insert the clause at 552.232-74, Invoice Payments. GSA received a class deviation to allow use of 552.232-74 for commercial items.
- (2) If the contract will not include FAR 52.212-4, insert 552.232-25, Prompt Payment, instead of FAR 552.232-25.
- (b) Leasehold Interests in Real Property. (1) Insert 552.232-75, Prompt Payment, in solicitations and contracts for acquiring leasehold interests in real property.
- (i) You may modify the date for constructive acceptance in subparagraph (b)(2) of the clause to specify a period longer than 7 calendar days (but not to exceed 30 days) if necessary because of the nature of the services to be received, inspected or accepted by the Government. Prepare a written justification for specifying the longer period and obtain your contracting director's approval.
- (ii) Use Alternate I if the lease contract does not contain provisions for ordering alterations or overtime utility services.
- (2) Insert 552.232–76, Electronic Funds Transfer Payment, in solicitations and contracts for acquisition of leasehold interests in real property.
- (c) Solicitations, purchase orders, contracts, and leases over the micropurchase theshold. Insert 552.232–78, Payment information:
- (1) In all solicitations, purchase orders, and contracts, including acquisitions of leasehold interests in real property.
- (2) In task and delivery orders if the contract that the order is placed against does not include the clause.

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